

the State not included in a previous plan under this subchapter,¹ and a plan for funding any recommended development of such corridors in the State.

(12) A statement that the State is in compliance with the requirements of section 22102.

(b) **LONG-RANGE SERVICE AND INVESTMENT PROGRAM.**—

(1) **PROGRAM CONTENT.**—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall, at a minimum, include the following matters:

(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

(B) A detailed funding plan for those projects.

(2) **PROJECT LIST CONTENT.**—The list of rail capital projects shall contain—

(A) a description of the anticipated public and private benefits of each such project; and

(B) a statement of the correlation between—

(i) public funding contributions for the projects; and

(ii) the public benefits.

(3) **CONSIDERATIONS FOR PROJECT LIST.**—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

(B) Rail capacity and congestion effects.

(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

(D) Regional balance.

(E) Environmental impact.

(F) Economic and employment impacts.

(G) Projected ridership and other service measures for passenger rail projects.

(Added Pub. L. 110-432, div. B, title III, § 303(a), Oct. 16, 2008, 122 Stat. 4949.)

§ 22706. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter.

(Added Pub. L. 110-432, div. B, title III, § 303(a), Oct. 16, 2008, 122 Stat. 4950.)

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in text, is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

¹ So in original. Probably should be “chapter.”

PART C—PASSENGER TRANSPORTATION

CHAPTER 241—GENERAL

Sec.

24101. Findings, mission, and goals.

24102. Definitions.

24103. Enforcement.

24104. Authorization of appropriations.

24105. Congestion grants.

AMENDMENTS

2008—Pub. L. 110-432, div. B, title II, § 201(e)(2), title III, § 302(b), Oct. 16, 2008, 122 Stat. 4911, 4947, substituted “Findings, mission, and goals” for “Findings, purpose, and goals” in item 24101 and added item 24105.

§ 24101. Findings, mission, and goals

(a) **FINDINGS.**—(1) Public convenience and necessity require that Amtrak, to the extent its budget allows, provide modern, cost-efficient, and energy-efficient intercity rail passenger transportation between crowded urban areas and in other areas of the United States.

(2) Rail passenger transportation can help alleviate overcrowding of airways and airports and on highways.

(3) A traveler in the United States should have the greatest possible choice of transportation most convenient to the needs of the traveler.

(4) A greater degree of cooperation is necessary among Amtrak, other rail carriers, State, regional, and local governments, the private sector, labor organizations, and suppliers of services and equipment to Amtrak to achieve a performance level sufficient to justify expending public money.

(5) Modern and efficient commuter rail passenger transportation is important to the viability and well-being of major urban areas and to the energy conservation and self-sufficiency goals of the United States.

(6) As a rail passenger transportation entity, Amtrak should be available to operate commuter rail passenger transportation through its subsidiary, Amtrak Commuter, under contract with commuter authorities that do not provide the transportation themselves as part of the governmental function of the State.

(7) The Northeast Corridor is a valuable resource of the United States used by intercity and commuter rail passenger transportation and freight transportation.

(8) Greater coordination between intercity and commuter rail passenger transportation is required.

(b) **MISSION.**—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).

(c) **GOALS.**—Amtrak shall—

(1) use its best business judgment in acting to minimize United States Government subsidies, including—

(A) increasing fares;

(B) increasing revenue from the transportation of mail and express;

(C) reducing losses on food service;

(D) improving its contracts with operating rail carriers;

- (E) reducing management costs; and
(F) increasing employee productivity;

(2) minimize Government subsidies by encouraging State, regional, and local governments and the private sector, separately or in combination, to share the cost of providing rail passenger transportation, including the cost of operating facilities;

(3) carry out strategies to achieve immediately maximum productivity and efficiency consistent with safe and efficient transportation;

(4) operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables;

(5) develop transportation on rail corridors subsidized by States and private parties;

(6) implement schedules based on a system-wide average speed of at least 60 miles an hour that can be achieved with a degree of reliability and passenger comfort;

(7) encourage rail carriers to assist in improving intercity rail passenger transportation;

(8) improve generally the performance of Amtrak through comprehensive and systematic operational programs and employee incentives;

(9) provide additional or complementary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;

(10) carry out policies that ensure equitable access to the Northeast Corridor by intercity and commuter rail passenger transportation;

(11) coordinate the uses of the Northeast Corridor, particularly intercity and commuter rail passenger transportation; and

(12) maximize the use of its resources, including the most cost-effective use of employees, facilities, and real property.

(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out subsection (c)(12) of this section, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment and designed to maximize its revenues and minimize Government subsidies. Amtrak shall prepare a financial plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013. Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 899; Pub. L. 105-134, title I, §105(b), title II, §201, Dec. 2, 1997, 111 Stat. 2573, 2578; Pub. L. 110-432, div. B, title II, §§201(e)(1), 218(a)(1), Oct. 16, 2008, 122 Stat. 4910, 4930.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24101(a)	45:501.	Oct. 30, 1970, Pub. L. 91-518, §101, 84 Stat. 1328; Sept. 29, 1979, Pub. L. 96-73, §102, 93 Stat. 537; restated Aug. 13, 1981, Pub. L. 97-35, §1171, 95 Stat. 687.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24101(b)	45:541 (2d sentence words after 1st comma).	Oct. 30, 1970, Pub. L. 91-518, §301 (2d sentence words after 1st comma), 84 Stat. 1330; Aug. 13, 1981, Pub. L. 97-35, §1188(a), 95 Stat. 699.
24101(c)	45:501a (less (14) (last sentence)).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §102; added Sept. 29, 1979, Pub. L. 96-73, §103(a), 93 Stat. 537; Aug. 13, 1981, Pub. L. 97-35, §1172, 95 Stat. 688.
24101(d)	45:501a(14) (last sentence).	

In this part, the word “Amtrak” is substituted for “National Railroad Passenger Corporation”, and the words “Amtrak Commuter” are substituted for “Amtrak Commuter Services Corporation”, to reflect the more current and commonly used names of the entities. The words “rail transportation” are substituted for “rail service” and “rail services”, the word “transportation” is substituted for “service” where appropriate, and the word “authority” is substituted for “agency”, as being more appropriate and for consistency in the revised title and with other titles of the United States Code. The words “rail carrier” are substituted for “railroad” because of the definitions of “rail carrier” and “railroad” in 49:10102.

In subsection (a), the words “The Congress finds that the” and “The Congress further finds that” are omitted as surplus.

In subsection (a)(3), the words “greatest possible choice of” are substituted for “to the maximum extent feasible . . . the freedom to choose the mode of” to eliminate unnecessary words.

In subsection (c), before clause (1), the words “Amtrak shall” are substituted for “The Congress hereby establishes the following goals for Amtrak” to eliminate unnecessary words. The text of 45:501a(3) and (4) is omitted as executed. The text of 45:501a(9) is omitted as obsolete because there no longer are any technical assistance panels. In clause (2), the words “stations and other” are omitted as surplus. In clause (4), the words “for such operation” are omitted as surplus. In clause (10), the word “various” is omitted as surplus. In clause (11), the words “real property” are substituted for “real estate” for consistency in the revised title and with other titles of the Code.

REFERENCES IN TEXT

Section 204 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (d), is section 204 of Pub. L. 110-432, which is set out in a note below.

AMENDMENTS

2008—Pub. L. 110-432, §201(e)(1)(A), substituted “mission” for “purpose” in section catchline.

Subsec. (b). Pub. L. 110-432, §201(e)(1)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “By using innovative operating and marketing concepts, Amtrak shall provide intercity and commuter rail passenger transportation that completely develops the potential of modern rail transportation to meet the intercity and commuter passenger transportation needs of the United States.”

Subsec. (c)(9) to (12). Pub. L. 110-432, §201(e)(1)(C), added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively.

Subsec. (d). Pub. L. 110-432, §218(a)(1)(B), substituted “Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.” for “Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.”

Pub. L. 110-432, § 218(a)(1)(A), which directed substitution of “plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013.” for “plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002.” was executed by making the substitution for “plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002.” to reflect the probable intent of Congress.

Pub. L. 110-432, § 201(e)(1)(D), substituted “subsection (c)(12)” for “subsection (c)(11)”.

1997—Subsec. (c)(2). Pub. L. 105-134, § 105(b), inserted “, separately or in combination,” after “and the private sector”.

Subsec. (d). Pub. L. 105-134, § 201, inserted at end “Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.”

AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES

Pub. L. 110-432, div. B, title II, § 201(c), Oct. 16, 2008, 122 Stat. 4910, provided that: “Nothing in this division [see Short Title of 2008 Amendment note set out under section 20101 of this title] is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.”

AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Pub. L. 110-432, div. B, title II, §§ 203-209, Oct. 16, 2008, 122 Stat. 4912-4917, provided that:

“SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

“(a) IN GENERAL.—The Amtrak Board of Directors—

“(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak’s financial accounting and reporting system and practices;

“(2) shall implement a modern financial accounting and reporting system not later than 3 years after the date of enactment of this Act [Oct. 16, 2008]; and

“(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2013—

“(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a comprehensive report that allocates all of Amtrak’s revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

“(i) train operations;

“(ii) equipment maintenance;

“(iii) food service;

“(iv) sleeping cars;

“(v) ticketing;

“(vi) reservations; and

“(vii) unallocated fixed overhead costs;

“(B) include the report described in subparagraph (A) in Amtrak’s annual report; and

“(C) post such report on Amtrak’s website.

“(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his or her findings and conclusions, together with any recommendations, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(c) CATEGORIZATION OF REVENUES AND EXPENSES.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize assigned revenues and attributable expenses by type of service, including long-distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

“SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

“(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary [of Transportation] and the Inspector General of the Department of Transportation no later than—

“(1) the first day of each fiscal year beginning after the date of enactment of this Act [Oct. 16, 2008]; or

“(2) the date that is 60 days after the date of enactment of an appropriations Act for the fiscal year, if later.

“(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

“(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

“(2) projected ridership levels for all Amtrak passenger operations;

“(3) revenue and expenditure forecasts for non-passenger operations;

“(4) capital funding requirements and expenditures necessary to maintain passenger service in order to accommodate predicted ridership levels and predicted sources of capital funding;

“(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including State-supported routes and predicted funding sources;

“(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

“(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as anticipated Federal funding of capital and operating costs, Amtrak’s ability to efficiently recruit, retain, and manage its workforce, and Amtrak’s ability to effectively provide passenger rail service;

“(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

“(9) annual cash flow forecasts;

“(10) a statement describing methods of estimation and significant assumptions;

“(11) specific measures that demonstrate measurable improvement year over year in the financial results of Amtrak’s operations;

“(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

“(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

“(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

“(15) prior fiscal year and projected equipment reliability statistics; and

“(16) capital and operating expenditures for anticipated security needs.

“(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

“(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

“(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

“(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division [122 Stat. 4908].

“(d) REVIEW BY DOT INSPECTOR GENERAL.—Within 60 days after their submission by Amtrak, the Inspector General of the Department of Transportation shall review the annual budget and the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b) and shall furnish any relevant findings to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate.

“SEC. 205. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

“(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary [of Transportation] and Amtrak, may make agreements to restructure Amtrak’s indebtedness as of the date of enactment of this Act [Oct. 16, 2008]. This authorization expires 2 years after the date of enactment of this Act.

“(b) DEBT RESTRUCTURING.—The Secretary of the Treasury, in consultation with the Secretary and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding as of the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the United States Government.

“(c) CRITERIA.—In restructuring Amtrak’s indebtedness, the Secretary of the Treasury and Amtrak—

“(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

“(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

“(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of the Treasury may assume or repay the restructured debt, as appropriate.

“(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

“(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary [of Transportation] shall use funds authorized by section 102 of this division [122 Stat. 4908] for the use of Amtrak for retirement of principal or payment of interest on loans for capital equipment, or capital leases.

“(2) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 102 [122 Stat. 4908] shall be reduced accordingly.

“(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

“(1) modify the extent or nature of any indebtedness of Amtrak to the United States in existence as of the date of enactment of this Act [Oct. 16, 2008];

“(2) change the private nature of Amtrak’s or its successors’ liabilities; or

“(3) imply any Federal guarantee or commitment to amortize Amtrak’s outstanding indebtedness.

“(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary [of Transportation].

“(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Committee on Transportation

and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate, by June 1, 2010—

“(1) describing in detail any agreements to restructure the Amtrak debt; and

“(2) providing an estimate of the savings to Amtrak and the United States Government.

“SEC. 206. ESTABLISHMENT OF GRANT PROCESS.

“(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division [see Short Title of 2008 Amendment note set out under section 20101 of this title], to the Secretary [of Transportation] for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a), (b), and (c) [122 Stat. 4908], 102 [122 Stat. 4908], 219(b) [49 U.S.C. 24307 note], and 302 [enacting section 24105 of this title].

“(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act [Oct. 16, 2008] and shall transmit copies of such requirements and schedules to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 2 accounts:

“(1) The Amtrak Operating account.

“(2) The Amtrak General Capital account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary [of Transportation].

“(c) REVIEW AND APPROVAL.—

“(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in a notice to Amtrak.

“(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary’s review.

“(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

“SEC. 207. METRICS AND STANDARDS.

“(a) IN GENERAL.—Within 180 days after the date of enactment of this Act [Oct. 16, 2008], the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, nonprofit employee organizations representing Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of

delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long-distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of intercity transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

“(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak’s cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

“(c) CONTRACTS WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

“(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

“(a) METHODOLOGY DEVELOPMENT.—Within 180 days after the date of enactment of this Act [Oct. 16, 2008], the Federal Railroad Administration shall obtain the services of a qualified independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity passenger routes and services it will provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the entity shall consider—

“(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

“(2) connectivity of a route with other routes;

“(3) the transportation needs of communities and populations that are not well served by intercity passenger rail service or by other forms of intercity transportation;

“(4) Amtrak’s and other major intercity passenger rail service providers in other countries’ methodologies for determining intercity passenger rail routes and services; and

“(5) the views of the States and other interested parties.

“(b) SUBMITTAL TO CONGRESS.—Within 1 year after the date of enactment of this Act [Oct. 16, 2008], the entity shall submit recommendations developed under subsection (a) to Amtrak, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the entity, the Amtrak Board of Directors shall consider the adoption of those recommendations. The Board shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Com-

merce, Science, and Transportation of the Senate explaining its reasons for adopting or not adopting the recommendations.

“SEC. 209. STATE-SUPPORTED ROUTES.

“(a) IN GENERAL.—Within 2 years after the date of enactment of this Act [Oct. 16, 2008], the Amtrak Board of Directors, in consultation with the Secretary [of Transportation], the governors of each relevant State, and the Mayor of the District of Columbia, or entities representing those officials, shall develop and implement a single, nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on each of the routes described in section 24102(5)(B) and (D) and section 24702 that—

“(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

“(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

“(b) REVISIONS.—The Amtrak Board of Directors, in consultation with the Secretary, the governors of each relevant State, and the Mayor of the District of Columbia, or entities representing those officials, may revise or amend the methodology established under subsection (a) as necessary, consistent with the intent of this section, including revisions or modifications based on Amtrak’s financial accounting system developed pursuant to section 203 of this division.

“(c) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board’s determination of the appropriate methodology.

“(d) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.”

ON-BOARD SERVICE IMPROVEMENTS

Pub. L. 110-432, div. B, title II, § 222, Oct. 16, 2008, 122 Stat. 4932, provided that:

“(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 207 of this division [set out above], Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

“(b) REPORT.—Amtrak shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.”

NEXT GENERATION CORRIDOR TRAIN EQUIPMENT

Pub. L. 110-432, div. B, title III, § 305, Oct. 16, 2008, 122 Stat. 4951, provided that:

“(a) IN GENERAL.—Within 180 days after the date of enactment of this Act [Oct. 16, 2008], Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manu-

facturers, interested States, and, as appropriate, other passenger railroad operators. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

“(b) FUNCTIONS.—The Committee may—

“(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

“(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

“(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

“(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership, and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee’s actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States, or other entities, to perform these functions.

“(d) FUNDING.—In addition to the authorizations provided in this section, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary [of Transportation] \$5,000,000 for fiscal year 2010, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under this section for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment.”

FAIR COMPETITIVE BIDDING FOR STATE-SUPPORTED INTERCITY RAIL SERVICE

Pub. L. 108-447, div. H, title I, §150, Dec. 8, 2004, 118 Stat. 3221, which provided that for the purpose of assisting State-supported intercity rail service, in order to demonstrate whether competition would provide higher quality rail passenger service at reasonable prices, the Secretary of Transportation, working with affected States, was to develop and implement a procedure for fair competitive bidding by Amtrak and non-Amtrak operators for State-supported routes, was from the Consolidated Appropriations Act, 2005, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 108-199, div. F, title I, §151, Jan. 23, 2004, 118 Stat. 303.

AMTRAK FINDINGS

Pub. L. 105-134, §2, Dec. 2, 1997, 111 Stat. 2571, provided that: “The Congress finds that—

“(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

“(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

“(3) immediate action is required to improve Amtrak’s financial condition if Amtrak is to survive;

“(4) all of Amtrak’s stakeholders, including labor, management, and the Federal Government, must participate in efforts to reduce Amtrak’s costs and increase its revenues;

“(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

“(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

“(7) Amtrak’s management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

“(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

“(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

“(10) Amtrak’s Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

“(A) a national passenger rail system; and

“(B) that system without Federal operating assistance; and

“(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.”

FISCAL ACCOUNTABILITY

Pub. L. 105-134, title II, §§202-205, Dec. 2, 1997, 111 Stat. 2578-2582, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-432, div. B, title II, §218(a)(2), Oct. 16, 2008, 122 Stat. 4930, provided that:

“SEC. 202. INDEPENDENT ASSESSMENT.

“(a) INITIATION.—Not later than 15 days after the date of enactment of this Act [Dec. 2, 1997], the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity’s statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General’s Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

“(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak’s funding needs.

“(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak’s—

“(1) cost allocation process and procedures;

“(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

“(3) Strategic Business Plan, including Amtrak’s projected expenses, capital needs, ridership, and revenue forecasts; and

“(4) assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast Corridor and that required outside the Northeast Corridor, and shall include rolling stock requirements, including capital leases, ‘state of good repair’ requirements, and infrastructure improvements.

“(d) BIDDING PRACTICES.—

“(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has

performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

“(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

“(e) DEADLINE.—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

“SEC. 203. AMTRAK REFORM COUNCIL.

“(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall consist of 11 members, as follows:

“(A) The Secretary of Transportation.

“(B) Two individuals appointed by the President, of which—

“(i) one shall be a representative of a rail labor organization; and

“(ii) one shall be a representative of rail management.

“(C) Three individuals appointed by the Majority Leader of the United States Senate.

“(D) One individual appointed by the Minority Leader of the United States Senate.

“(E) Three individuals appointed by the Speaker of the United States House of Representatives.

“(F) One individual appointed by the Minority Leader of the United States House of Representatives.

“(2) APPOINTMENT CRITERIA.—

“(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act [Dec. 2, 1997].

“(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

“(i) may not be employees of the United States;

“(ii) may not be board members or employees of Amtrak;

“(iii) may not be representatives of rail labor organizations or rail management; and

“(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

“(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

“(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

“(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

“(B) 45 days after the date of enactment of this Act.

“(5) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

“(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

“(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section[s] 5702 and 5703 of title 5, United States Code.

“(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

“(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

“(g) DUTIES.—

“(1) EVALUATION AND RECOMMENDATION.—The Council shall—

“(A) evaluate Amtrak's performance; and

“(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

“(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

“(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

“(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

“(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

“(3) MONITOR WORK-RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

“(A) the savings realized as a result of the agreement; and

“(B) how the savings are allocated.

“(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act [Dec. 2, 1997], the Council shall submit to the Congress a report that includes an assessment of—

“(1) Amtrak's progress on the resolution of productivity issues; or

“(2) the status of those productivity issues, and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

“[SECS. 204, 205. Repealed. Pub. L. 110-432, div. B, title II, § 218(a)(2), Oct. 16, 2008, 122 Stat. 4930.]”

INTERSTATE RAIL COMPACTS

Pub. L. 105-134, title IV, § 410, Dec. 2, 1997, 111 Stat. 2587, provided that:

“(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

“(1) retaining an existing service or commencing a new service;

“(2) assembling rights-of-way; and

“(3) performing capital improvements, including—

“(A) the construction and rehabilitation of maintenance facilities;

“(B) the purchase of locomotives; and

“(C) operational improvements, including communications, signals, and other systems.

“(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

“(1) accept contributions from a unit of State or local government or a person;

“(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);

“(3) on such terms and conditions as the States consider advisable—

“(A) borrow money on a short-term basis and issue notes for the borrowing; and

“(B) issue bonds; and

“(4) obtain financing by other means permitted under Federal or State law.”

DEFINITION

Pub. L. 110-432, div. B, §3, Oct. 16, 2008, 122 Stat. 4908, provided that: “In this division [see Short Title of 2008 Amendment note set out under section 20101 of this title], the term ‘Secretary’ means the Secretary of Transportation.”

§ 24102. Definitions

In this part—

(1) “auto-ferry transportation” means intercity rail passenger transportation—

(A) of automobiles or recreational vehicles and their occupants; and

(B) when space is available, of used unoccupied vehicles.

(2) “commuter authority” means a State, local, or regional entity established to provide, or make a contract providing for, commuter rail passenger transportation.

(3) “commuter rail passenger transportation” means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple-ride, and commuter tickets and morning and evening peak period operations.

(4) “intercity rail passenger transportation” means rail passenger transportation, except commuter rail passenger transportation.

(5) “national rail passenger transportation system” means—

(A) the segment of the continuous Northeast Corridor railroad line between Boston, Massachusetts, and Washington, District of Columbia;

(B) rail corridors that have been designated by the Secretary of Transportation as high-speed rail corridors (other than corridors described in subparagraph (A)), but only after regularly scheduled intercity service over a corridor has been established;

(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Pas-

senger Rail Investment and Improvement Act of 2008; and

(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

(i) Amtrak; or

(ii) another rail carrier that receives funds under chapter 244.

(6) “Northeast Corridor” means Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

(7) “rail carrier” means a person, including a unit of State or local government, providing rail transportation for compensation.

(8) “rate” means a rate, fare, or charge for rail transportation.

(9) “regional transportation authority” means an entity established to provide passenger transportation in a region.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 900; Pub. L. 105-134, title IV, §407, Dec. 2, 1997, 111 Stat. 2586; Pub. L. 110-432, div. B, title II, §201(a), Oct. 16, 2008, 122 Stat. 4909.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24102(1)	45:502(1).	Oct. 30, 1970, Pub. L. 91-518, §103(1), 84 Stat. 1328; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 538.
	45:502(2).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(2); added Aug. 13, 1981, Pub. L. 97-35, §1173(2), 95 Stat. 689.
	45:502(3).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(3); added Nov. 3, 1973, Pub. L. 93-146, §2(2), 87 Stat. 548; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 538; Aug. 13, 1981, Pub. L. 97-35, §1173(1), 95 Stat. 689; Apr. 7, 1986, Pub. L. 99-272, §4012, 100 Stat. 109.
	45:502(6), (7), (10), (12), (14), (18).	Oct. 30, 1970, Pub. L. 91-518, §103(4)-(7), (10), (12), (14)-(18), 84 Stat. 1328; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 538, 539; Aug. 13, 1981, Pub. L. 97-35, §1173(1), 95 Stat. 689; Oct. 27, 1992, Pub. L. 102-533, §8(1), 106 Stat. 3519.
24102(2)	45:502(4).	
24102(3)	45:502(5).	
24102(4)	45:502(8).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(8), (9); added Aug. 13, 1981, Pub. L. 97-35, §1173(3), 95 Stat. 689.
24102(5)	45:502(9).	
24102(6)	45:502(11).	Oct. 30, 1970, Pub. L. 91-518, §103(11), 84 Stat. 1328; Nov. 3, 1973, Pub. L. 93-146, §2(1), 87 Stat. 548; restated Sept. 29, 1979, Pub. L. 96-73, §§ 103(a), 104, 93 Stat. 537, 539; Aug. 13, 1981, Pub. L. 97-35, §1173(1), (4), 95 Stat. 689.
24102(7)	45:502(13).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §103(13); added Oct. 27, 1992, Pub. L. 102-533, §8(2), 106 Stat. 3519.
	45:851(c).	Feb. 5, 1976, Pub. L. 94-210, §701(c), 90 Stat. 120.
24102(8)	45:502(14).	
24102(9)	(no source).	
24102(10)	45:502(15).	
24102(11)	45:502(16).	

In clause (1), before subclause (A), the text of 45:502(1), (2), and (10) is omitted as surplus. The text of

45:502(6), (7), (12), (14), and (18) is omitted because the complete names of the Performance Evaluation Center, Interstate Commerce Commission, Railroad Safety System Program, Technical Assistance Panel, and Secretary of Transportation are used the first time the terms appear in a section. The words “characterized by transportation” are omitted as surplus.

In clause (3), the text of 45:502(5)(A) and the words “on and after October 1, 1979” are omitted as obsolete. Reference to 45:564(e) is omitted as obsolete because 45:564(e) was repealed by section 1183(d) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35, 95 Stat. 697).

In clauses (4) and (10), the words “authority, corporation, or other” are omitted as surplus.

In clause (4), the words “and includes the Metropolitan Transportation Authority, the Connecticut Department of Transportation, the Maryland Department of Transportation the Southeastern Pennsylvania Transportation Authority, the New Jersey Transit Corporation, the Massachusetts Bay Transportation Authority, the Port Authority Trans-Hudson Corporation, any successor agencies, and any entity created by one or more such agencies for the purpose of operating” are omitted as surplus.

In clause (5), the words “whether within or across the geographical boundaries of a State” are omitted as surplus.

Clause (9) is added to eliminate repetition of the words “fares or charges” throughout this part.

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in par. (5)(C), is the date of enactment of div. B of Pub. L. 110–432, which was approved Oct. 16, 2008.

AMENDMENTS

2008—Pars. (2) to (5). Pub. L. 110–432 added par. (5), redesignated former pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2) which read as follows: “‘basic system’ means the system of intercity rail passenger transportation designated by the Secretary of Transportation under section 4 of the Amtrak Improvement Act of 1978 and approved by Congress, and transportation required to be provided under section 24705(a) of this title and section 4(g) of the Act, including changes in the system or transportation that Amtrak makes using the route and service criteria.”

1997—Pars. (2) to (6). Pub. L. 105–134, § 407(1), (2), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) which read as follows: “‘avoidable loss’ means the avoidable costs of providing rail passenger transportation, less revenue attributable to the transportation, as determined by the Interstate Commerce Commission under section 553 of title 5.”

Par. (7). Pub. L. 105–134, § 407(2), (3), redesignated par. (8) as (7) and inserted “, including a unit of State or local government,” after “means a person”. Former par. (7) redesignated (6).

Pars. (8) to (10). Pub. L. 105–134, § 407(2), redesignated pars. (8) to (10) as (7) to (9), respectively.

Par. (11). Pub. L. 105–134, § 407(1), struck out par. (11) which read as follows: “‘route and service criteria’ means the criteria and procedures for making route and service decisions established under section 404(c)(1)–(3)(A) of the Rail Passenger Service Act.”

§ 24103. Enforcement

(a) GENERAL.—(1) Except as provided in paragraph (2) of this subsection, only the Attorney General may bring a civil action for equitable relief in a district court of the United States when Amtrak or a rail carrier—

(A) engages in or adheres to an action, practice, or policy inconsistent with this part;

(B) obstructs or interferes with an activity authorized under this part;

(C) refuses, fails, or neglects to discharge its duties and responsibilities under this part; or
(D) threatens—

(i) to engage in or adhere to an action, practice, or policy inconsistent with this part;

(ii) to obstruct or interfere with an activity authorized by this part; or

(iii) to refuse, fail, or neglect to discharge its duties and responsibilities under this part.

(2) An employee affected by any conduct or threat referred to in paragraph (1) of this subsection, or an authorized employee representative, may bring the civil action if the conduct or threat involves a labor agreement.

(b) REVIEW OF DISCONTINUANCE OR REDUCTION.—A discontinuance of a route, a train, or transportation, or a reduction in the frequency of transportation, by Amtrak is reviewable only in a civil action for equitable relief brought by the Attorney General.

(c) VENUE.—Except as otherwise prohibited by law, a civil action under this section may be brought in the judicial district in which Amtrak or the rail carrier resides or is found.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 901.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24103(a)	45:547(a) (1st sentence less words between 13th–15th commas).	Oct. 30, 1970, Pub. L. 91–518, § 307(a) (1st sentence), (b), 84 Stat. 1333.
24103(b)	45:547(a) (last sentence).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, § 307(a) (last sentence); added Aug. 13, 1981, Pub. L. 97–35, § 1179, 95 Stat. 693.
24103(c)	45:547(a) (1st sentence words between 13th–15th commas), (b).	

In subsections (a) and (b), the words “may bring a civil action”, “may bring the civil action”, and “in a civil action brought by” are substituted for “upon petition of” and “on petition of” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (a)(1), before clause (A), the words “Except as provided in paragraph (2) of this subsection” are added for clarity. The word “only” is added for clarity. See *National Railroad Passenger Corp. et al. v. National Association of Railroad Passengers*, 414 U.S. 453 (1974). In clauses (A) and (D)(i), the words “the policies and purposes of” are omitted as surplus.

In subsection (a)(2), the word “duly” is omitted as surplus.

In subsection (b), the words “in any court” are omitted as surplus.

Subsection (c) is substituted for 45:547(a) (1st sentence words between 13th–15th commas) for consistency in the revised title and with other titles of the United States Code. The text of 45:547(b) is omitted as surplus.

§ 24104. Authorization of appropriations

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

(1) \$1,138,000,000 for fiscal year 1998;

(2) \$1,058,000,000 for fiscal year 1999;

(3) \$1,023,000,000 for fiscal year 2000;

(4) \$989,000,000 for fiscal year 2001; and

(5) \$955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243, 247, and 249 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.

(b) OPERATING EXPENSES.—(1) Not more than \$381,000,000 may be appropriated to the Secretary for each of the fiscal years ending September 30, 1993, and September 30, 1994, for the benefit of Amtrak for operating expenses. Not more than 5 percent of the amounts appropriated for each fiscal year shall be used to pay operating expenses under section 24704¹ of this title for transportation in operation on September 30, 1992.

(2)(A) Not more than the following amounts may be appropriated to the Secretary for the benefit of Amtrak for operating losses under section 24704¹ of this title for transportation beginning after September 30, 1992:

(i) \$7,500,000 for the fiscal year ending September 30, 1993.

(ii) \$9,500,000 for the fiscal year ending September 30, 1994.

(B) The expenditure by Amtrak of an amount appropriated under subparagraph (A) of this paragraph is deemed not to be an operating expense when calculating the revenue-to-operating expense ratio of Amtrak.

(c) MANDATORY PAYMENTS.—(1) Not more than \$150,000,000 for the fiscal year ending September 30, 1993, and amounts that may be necessary for the fiscal year ending September 30, 1994, may be appropriated to the Secretary to pay—

(A) tax liabilities under section 3221 of the Internal Revenue Code of 1986 (26 U.S.C. 3221) due in those fiscal years that are more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries;

(B) obligations of Amtrak under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)) due in those fiscal years that are more than obligations of Amtrak calculated on an experience-related basis; and

(C) obligations of Amtrak due under section 3321 of the Code (26 U.S.C. 3321).

(2) Amounts appropriated under this subsection are not a United States Government subsidy of Amtrak.

(d) PAYMENT TO AMTRAK.—Amounts appropriated under this section shall be paid to Amtrak under the budget request of the Secretary as approved or modified by Congress when the amounts are appropriated. A payment may not be made more frequently than once every 90 days, unless Amtrak, for good cause, requests more frequent payment before a 90-day period ends. In each fiscal year in which amounts are authorized to be appropriated under this sec-

tion, amounts appropriated shall be paid to Amtrak as follows:

- (1) 50 percent on October 1.
- (2) 25 percent on January 1.
- (3) 25 percent on April 1.

(e) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—(1) Amounts appropriated under this section remain available until expended.

(2) Amounts for capital acquisitions and improvements may be appropriated in a fiscal year before the fiscal year in which the amounts will be obligated.

(f) LIMITATIONS ON USE.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail passenger or rail freight transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 902; Pub. L. 105-134, title III, §301(a), Dec. 2, 1997, 111 Stat. 2585.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24104(a)	45:601(a).	Oct. 30, 1970, Pub. L. 91-518, §601, 84 Stat. 1338; June 22, 1972, Pub. L. 92-316, §9, 86 Stat. 231; Nov. 3, 1973, Pub. L. 93-146, §12, 87 Stat. 553; Oct. 28, 1974, Pub. L. 93-496, §8, 88 Stat. 1530; May 26, 1975, Pub. L. 94-25, §10, 89 Stat. 92; Oct. 19, 1976, Pub. L. 94-555, §102(a), (b), 90 Stat. 2613; Oct. 5, 1978, Pub. L. 95-421, §2(a), (b)(1), 3, 92 Stat. 923; Sept. 29, 1979, Pub. L. 96-73, §122(a), (b)(1), 93 Stat. 550; May 30, 1980, Pub. L. 96-254, §208, 211, 94 Stat. 414, 415; Aug. 13, 1981, Pub. L. 97-35, §1138, 1139(a), 1185, 95 Stat. 652, 697; Jan. 14, 1983, Pub. L. 97-468, §302(c), 96 Stat. 2550; Apr. 7, 1986, Pub. L. 99-272, §4002, 100 Stat. 106; July 6, 1990, Pub. L. 101-322, §2, 104 Stat. 295; restated Oct. 27, 1992, Pub. L. 102-533, §7(a), 106 Stat. 3517.
24104(b)	45:601(b).	
24104(c)	45:601(c).	
24104(d)	45:601(d) (3d, last sentences), (e).	
24104(e)(1) ..	45:601(d) (2d sentence).	
24104(e)(2) ..	45:601(d) (1st sentence).	
24104(f)	45:854(b)(1) (related to 45:601).	Feb. 5, 1976, Pub. L. 94-210, §704(b)(1) (related to §601), 90 Stat. 123; Jan. 14, 1983, Pub. L. 97-468, §301(4)(A), 96 Stat. 2549.

In subsection (a)(2), before clause (A), the words “In addition to amounts that may be appropriated under section 24909 of this title” are added for clarity.

In subsection (a)(3)(B) and (C), the words “or States” are omitted because of 1:1. Before each clause (i), the words “Except as provided in clause (ii)” are omitted as surplus.

In subsection (d), before clause (1), the words “by the Secretary” and “for expenditure by it” are omitted as surplus.

In subsection (e)(2), the words “Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated” are omitted as surplus.

REFERENCES IN TEXT

The enactment of the Amtrak Reform and Accountability Act of 1997, referred to in subsec. (a), probably means the date of enactment of Pub. L. 105-134, which was approved Dec. 2, 1997.

¹ See References in Text note below.

Section 3221 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 3221 of Title 26, Internal Revenue Code.

Section 24704 of this title, referred to in subsec. (b), was repealed by Pub. L. 105-134, title I, § 105(a), Dec. 2, 1997, 111 Stat. 2573.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-134 amended heading and text of subsec. (a) generally. Prior to amendment, subsec. (a) related to capital acquisition and corridor development.

LIMITATION ON USE OF TAX REFUND

Pub. L. 105-134, title II, § 209, Dec. 2, 1997, 111 Stat. 2584, provided that:

“(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997 [Pub. L. 105-34, 26 U.S.C. 172 note]—

“(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

“(2) to offset other amounts used for any purpose other than the financing of such expenses.

“(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.”

REFORM BOARD

Pub. L. 105-134, title IV, § 411(b), Dec. 2, 1997, 111 Stat. 2589, provided that: “If the Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act [amending this section] for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997 [Pub. L. 105-34, 26 U.S.C. 172 note].”

§ 24105. Congestion grants

(a) **AUTHORITY.**—The Secretary of Transportation may make grants to States, or to Amtrak in cooperation with States, for financing the capital costs of facilities, infrastructure, and equipment for high priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity rail passenger transportation.

(b) **ELIGIBLE PROJECTS.**—Projects eligible for grants under this section include projects—

(1) identified by Amtrak as necessary to reduce congestion or facilitate ridership growth in intercity rail passenger transportation along heavily traveled rail corridors;

(2) identified by the Surface Transportation Board as necessary to improve the on time¹ performance and reliability of intercity rail passenger transportation under section 24308(f); and

(3) designated by the Secretary as being sufficiently advanced in development to be capable of serving the purposes described in subsection (a) on an expedited schedule.

(c) **FEDERAL SHARE.**—The Federal share of the cost of a project financed under this section shall not exceed 80 percent.

(d) **GRANT CONDITIONS.**—The Secretary of Transportation shall require each recipient of a

grant under this section to comply with the grant requirements of section 24405 of this title.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated, from amounts made available under section 301 of the Passenger Rail Investment and Improvement Act of 2008, to the Secretary to carry out this section—

- (1) \$50,000,000 for fiscal year 2010;
- (2) \$75,000,000 for fiscal year 2011;
- (3) \$100,000,000 for fiscal year 2012; and
- (4) \$100,000,000 for fiscal year 2013.

(Added Pub. L. 110-432, div. B, title III, § 302(a), Oct. 16, 2008, 122 Stat. 4947.)

REFERENCES IN TEXT

Section 301 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (e), is section 301 of Pub. L. 110-432, which enacted chapter 244 (§ 24401 et seq.) of this title and enacted provisions set out as a note under section 24405 of this title.

CHAPTER 243—AMTRAK

Sec.

24301.	Status and applicable laws.
24302.	Board of directors.
24303.	Officers.
24304.	Employee stock ownership plans.
24305.	General authority.
24306.	Mail, express, and auto-ferry transportation.
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24309.	Retaining and maintaining facilities.
24310.	Management accountability.
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24312.	Labor standards.
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[24314.	Repealed.]
24315.	Reports and audits.
24316.	Plan to assist families of passengers involved in rail passenger accidents. ¹

AMENDMENTS

2008—Pub. L. 110-432, div. A, title V, § 502(b), div. B, title II, § 221(b), Oct. 16, 2008, 122 Stat. 4899, 4932, added items 24310 and 24316.

1997—Pub. L. 105-134, title IV, §§ 403, 404, 415(a)(2), Dec. 2, 1997, 111 Stat. 2585, 2586, 2590, substituted “Employee stock ownership plans” for “Capitalization” in item 24304 and struck out item 24310 “Assistance for upgrading facilities” and item 24314 “Demonstration of new technology”.

§ 24301. Status and applicable laws

(a) **STATUS.**—Amtrak—

(1) is a railroad carrier under section 20102(2)¹ and chapters 261 and 281 of this title;

(2) shall be operated and managed as a for-profit corporation; and

(3) is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31.

(b) **PRINCIPAL OFFICE AND PLACE OF BUSINESS.**—The principal office and place of business of Amtrak are in the District of Columbia. Amtrak is qualified to do business in each State in which Amtrak carries out an activity authorized under this part. Amtrak shall accept service of process by certified mail addressed to the sec-

¹ So in original. Probably should be “on-time”.

¹ So in original. Does not conform to section catchline.

¹ See References in Text note below.

retary of Amtrak at its principal office and place of business. Amtrak is a citizen only of the District of Columbia when deciding original jurisdiction of the district courts of the United States in a civil action.

(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11123, 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.

(d) APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.—Laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier subject to part A of subtitle IV of this title apply to Amtrak.

(e) APPLICATION OF CERTAIN ADDITIONAL LAWS.—Section 552 of title 5, this part, and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code §29-301 et seq.) apply to Amtrak. Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.

(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.

(g) NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.—A State or other law related to rates, routes, or service does not apply to Amtrak in connection with rail passenger transportation.

(h) NONAPPLICATION OF PAY PERIOD LAWS.—A State or local law related to pay periods or days for payment of employees does not apply to Amtrak. Except when otherwise provided under a collective bargaining agreement, an employee of Amtrak shall be paid at least as frequently as the employee was paid on October 1, 1979.

(i) PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak to employ a specified number of individuals to perform a particular task, function, or operation.

(j) NONAPPLICATION OF LAWS ON JOINT USE OR OPERATION OF FACILITIES AND EQUIPMENT.—Prohibitions of law applicable to an agreement for the joint use or operation of facilities and equipment necessary to provide quick and efficient rail passenger transportation do not apply to a person making an agreement with Amtrak to the extent necessary to allow the person to make and carry out obligations under the agreement.

(k) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection—

(A) “additional tax” means a tax or fee—

(i) on the acquisition, improvement, ownership, or operation of personal property by Amtrak; and

(ii) on real property, except a tax or fee on the acquisition of real property or on the value of real property not attributable to improvements made, or the operation of those improvements, by Amtrak.

(B) “Amtrak” includes a rail carrier subsidiary of Amtrak and a lessor or lessee of Amtrak or one of its rail carrier subsidiaries.

(2) Amtrak is not required to pay an additional tax because of an expenditure to acquire or improve real property, equipment, a facility, or right-of-way material or structures used in providing rail passenger transportation, even if that use is indirect.

(l) EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1981.—(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from a tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom after September 30, 1981. In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.

(2) The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this subsection and may grant equitable or declaratory relief requested by Amtrak.

(m) WASTE DISPOSAL.—(1) An intercity rail passenger car manufactured after October 14, 1990, shall be built to provide for the discharge of human waste only at a servicing facility. Amtrak shall retrofit each of its intercity rail passenger cars that was manufactured after May 1, 1971, and before October 15, 1990, with a human waste disposal system that provides for the discharge of human waste only at a servicing facility. Subject to appropriations—

(A) the retrofit program shall be completed not later than October 15, 2001; and

(B) a car that does not provide for the discharge of human waste only at a servicing facility shall be removed from service after that date.

(2) Section 361 of the Public Health Service Act (42 U.S.C. 264) and other laws of the United States, States, and local governments do not apply to waste disposal from rail carrier vehicles operated in intercity rail passenger transportation. The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this paragraph and may grant equitable or declaratory relief requested by Amtrak.

(n) RAIL TRANSPORTATION TREATED EQUALLY.—When authorizing transportation in the continental United States for an officer, employee,

or member of the uniformed services of a department, agency, or instrumentality of the Government, the head of that department, agency, or instrumentality shall consider rail transportation (including transportation by extra-fare trains) the same as transportation by another authorized mode. The Administrator of General Services shall include Amtrak in the contract air program of the Administrator in markets in which transportation provided by Amtrak is competitive with other carriers on fares and total trip times.

(o) **APPLICABILITY OF DISTRICT OF COLUMBIA LAW.**—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 904; Pub. L. 104-88, title III, §308(g), Dec. 29, 1995, 109 Stat. 947; Pub. L. 105-134, title I, §§106(b), 110(a), title II, §208, title IV, §§401, 402, 415(d)(1), Dec. 2, 1997, 111 Stat. 2573, 2574, 2584, 2585, 2590; Pub. L. 108-199, div. F, title I, §150(2), Jan. 23, 2004, 118 Stat. 303; Pub. L. 110-53, title XV, §1527, Aug. 3, 2007, 121 Stat. 452.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24301(a)	45:541 (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, §301 (1st, 4th, last sentences), 84 Stat. 1330.
	45:541 (2d sentence words before 1st comma).	Oct. 30, 1970, Pub. L. 91-518, §301 (2d sentence words before 1st comma), 84 Stat. 1330; Oct. 5, 1978, Pub. L. 95-421, §11, 92 Stat. 928.
	45:541 (3d sentence).	Oct. 30, 1970, Pub. L. 91-518, §301 (3d sentence), 84 Stat. 1330; June 22, 1988, Pub. L. 100-342, §18(a), 102 Stat. 636.
	45:541 (last sentence).	
	45:546(a) (words after “The Corporation” and before “and shall be subject to”).	Oct. 30, 1970, Pub. L. 91-518, §306(a), 84 Stat. 1332; June 22, 1972, Pub. L. 92-316, §3(a), 86 Stat. 228; Sept. 29, 1979, Pub. L. 96-73, §112(a), 93 Stat. 541; Apr. 7, 1986, Pub. L. 99-272, §4015, 100 Stat. 110.
24301(b)	45:546(m).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(m); added Sept. 29, 1979, Pub. L. 96-73, §112(c), 93 Stat. 541; Apr. 7, 1986, Pub. L. 99-272, §4013, 100 Stat. 109.
24301(c)(1), (2)(A).	45:546(a) (less words after “The Corporation” and before “and shall be subject to”).	
24301(c)	45:546a.	Oct. 5, 1978, Pub. L. 95-421, §7, 92 Stat. 927.
24301(d)	45:546(b).	Oct. 30, 1970, Pub. L. 91-518, §305(a) (last sentence), 306(b)-(e), 84 Stat. 1332, 1333.
24301(e)	45:541 (4th sentence).	
	45:545(a) (last sentence).	
	45:545(e)(8).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(e)(8); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 551.
	45:546(g).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(g); added June 22, 1972, Pub. L. 92-316, §3(b), 86 Stat. 228.
24301(f)	45:546(d).	
24301(g)	45:546(c).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24301(h)	45:546(l).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(l); added Sept. 29, 1979, Pub. L. 96-73, §112(c), 93 Stat. 541.
24301(i)	45:797j (words “, the National Railroad Passenger Corporation,”).	Jan. 2, 1974, Pub. L. 93-236, 87 Stat. 985, §711 (words “, the National Railroad Passenger Corporation,”); added Aug. 13, 1981, Pub. L. 97-35, §1143(a), 95 Stat. 667.
24301(j)	45:546(e).	
24301(k)	45:546(n).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(n); added Aug. 13, 1981, Pub. L. 97-35, §1178, 95 Stat. 692; restated Oct. 27, 1992, Pub. L. 102-533, §6, 106 Stat. 3517.
24301(l)	45:546b.	Sept. 10, 1982, Pub. L. 97-257, §107 (par. under heading “Grants to the National Railroad Passenger Corporation”), 96 Stat. 852.
24301(m)	45:546(i).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(i); added Feb. 5, 1976, Pub. L. 94-210, §706(e), 90 Stat. 124; Oct. 19, 1976, Pub. L. 94-555, §105, 90 Stat. 2615; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Nov. 16, 1990, Pub. L. 101-610, §601(a), 104 Stat. 3185.
24301(n)	45:546(f).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(f); added June 22, 1972, Pub. L. 92-316, §3(b), 86 Stat. 228; Apr. 7, 1986, Pub. L. 99-272, §4004, 100 Stat. 107.

In subsection (a), before clause (1), the text of 45:541 (1st sentence) is omitted as executed. The text of 45:541 (last sentence) is omitted as surplus. In clause (1), the words “rail carrier” are substituted for “common carrier by railroad” because of 49:10102. In clause (3), the words “department, agency, or instrumentality” are substituted for “agency, instrumentality, authority, or entity, or establishment” for consistency in the revised title and with other titles of the United States Code. The word “instrumentality” includes entities, authorities, establishments, and any other organizational unit of the United States Government that is not a department or agency.

In subsection (b), the words “In connection with the performance of such activities” and “to which the Corporation is a party” are omitted as surplus.

In subsection (c)(1)(B), the words “whether by track-age rights or otherwise” are omitted as surplus.

In subsection (c)(2)(B), the words “adversely affected” are substituted for “aggrieved” for consistency in the revised title and with other titles of the Code.

In subsection (d), the word “same” is omitted as surplus.

In subsection (e), the text of 45:545(a) (last sentence) and (e)(8) is omitted as surplus.

In subsection (f), the words “the place” are omitted as surplus.

In subsection (h), the word “applicable” is omitted as surplus.

In subsection (j), the words “existing”, “including the antitrust laws of the United States”, and “contracts . . . leases” are omitted as surplus.

In subsection (k)(2), the words “of funds” are omitted as surplus.

In subsection (l)(1), the words “Notwithstanding any other provision of law”, “other”, “including such taxes and fees levied after September 30, 1982”, and “notwithstanding any provision of law” are omitted as surplus. The text of 45:546b (2d sentence) is omitted as executed.

In subsection (l)(2), the words “Notwithstanding the provision of section 1341 of title 28” are omitted as surplus.

In subsection (m)(1), before clause (A), the word “New” is omitted as surplus.

In subsection (m)(2), the word “vehicles” is substituted for “conveyances” for clarity.

In subsection (n), the words “uniformed services” are substituted for “Armed Forces or commissioned services” for consistency in the revised title and with other titles of the Code.

REFERENCES IN TEXT

Section 20102(2), referred to in subsec. (a)(1), was redesignated section 20102(3) by Pub. L. 110-432, div. A, §2(b)(1), Oct. 16, 2008, 122 Stat. 4850.

The Railroad Retirement Act of 1974, referred to in subsec. (c), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (c), is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

The Railroad Retirement Tax Act, referred to in subsec. (c), is act Aug. 16, 1954, ch. 736, §§3201, 3202, 3211, 3212, 3221, and 3231 to 3233, 68A Stat. 431, as amended, which is classified generally to chapter 22 (§3201 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3233 of Title 26 and Tables.

The District of Columbia Business Corporation Act, referred to in subsec. (e), is act June 8, 1954, ch. 269, 68 Stat. 179, as amended, which is not classified to the Code.

The date of the enactment of this subsection, referred to in subsec. (o), is the date of enactment of Pub. L. 110-53, which was approved Aug. 3, 2007.

AMENDMENTS

2007—Subsec. (o). Pub. L. 110-53 added subsec. (o).

2004—Subsec. (c). Pub. L. 108-199 inserted “11123,” after “except for sections”.

1997—Subsec. (a)(1). Pub. L. 105-134, §401(1), substituted “railroad carrier under section 20102(2) and chapters 261 and 281” for “rail carrier under section 10102”.

Subsec. (a)(3). Pub. L. 105-134, §415(d)(1), inserted “, and shall not be subject to title 31” after “United States Government”.

Subsec. (c). Pub. L. 105-134, §401(2), reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) Part A of subtitle IV of this title applies to Amtrak, except for provisions related to the—

“(A) regulation of rates;

“(B) abandonment or extension of rail lines used only for passenger transportation and the abandonment or extension of operations over those lines;

“(C) regulation of routes and service;

“(D) discontinuance or change of rail passenger transportation operations; and

“(E) issuance of securities or the assumption of an obligation or liability related to the securities of others.

“(2) Notwithstanding this subsection—

“(A) section 10721 of this title applies to Amtrak; and

“(B) on application of an adversely affected motor carrier, the Surface Transportation Board under part A of subtitle IV of this title may hear a complaint about an unfair or predatory rate or marketing practice of Amtrak for a route or service operating at a loss.”

Subsec. (e). Pub. L. 105-134, §110(a), inserted at end “Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.”

Subsec. (f). Pub. L. 105-134, §106(b), amended heading and text of subsec. (f) generally. Prior to amendment,

text read as follows: “The laws of the District of Columbia govern leases and contracts of Amtrak, regardless of where they are executed.”

Subsec. (l)(1). Pub. L. 105-134, §208, inserted heading and substituted in text “Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are” for “Amtrak or a rail carrier subsidiary of Amtrak is”, “tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom” for “tax or fee imposed by a State, a political subdivision of a State, or a local taxing authority and levied on it”, and “In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.” for “However, Amtrak is not exempt under this subsection from a tax or fee that it was required to pay as of September 10, 1982.”

Subsec. (m)(1)(A). Pub. L. 105-134, §402, substituted “2001” for “1996”.

1995—Subsec. (c)(1). Pub. L. 104-88, §308(g)(1)(A), substituted “Part A of subtitle IV” for “Subtitle IV”.

Subsec. (c)(2)(A). Pub. L. 104-88, §308(g)(1)(B), substituted “section 10721 of this title applies” for “sections 10721-10724 of this title apply”.

Subsec. (c)(2)(B). Pub. L. 104-88, §308(g)(1)(C), substituted “Transportation Board under part A of subtitle IV” for “Interstate Commerce Commission under any provision of subtitle IV of this title applicable to a carrier subject to subchapter I of chapter 105”.

Subsec. (d). Pub. L. 104-88, §308(g)(2), substituted “rail carrier subject to part A of subtitle IV” for “common carrier subject to subchapter I of chapter 105”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

REGULATIONS

Pub. L. 101-610, title VI, §601(d), (e), Nov. 16, 1990, 104 Stat. 3186, provided that:

“(d) Not later than 1 year after the date of enactment of this Act [Nov. 16, 1990], the Secretary of Transportation, after appropriate notice and comment, and in consultation with the National Railroad Passenger Corporation, the Administrator of the Environmental Protection Agency, the Surgeon General, and State and local officials shall promulgate such regulations as may be necessary to mitigate the impact of the discharge of human waste from railroad passenger cars on areas that may be considered environmentally sensitive.

“(e) Not later than 1 year after the date of enactment of this Act [Nov. 16, 1990], the Secretary of Transportation shall promulgate regulations directing the National Railroad Passenger Corporation to, where appropriate, publish printed information, and make public address announcements, explaining its existing disposal technology and the retrofit and new equipment program, and encouraging passengers using existing equipment not to dispose of wastes in stations, railroad yards, or while the train is moving through environmentally sensitive areas.”

PASSENGER CHOICE

Pub. L. 105-134, title I, §109, Dec. 2, 1997, 111 Stat. 2574, provided that: “Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.”

APPLICATION OF FEDERAL PROPERTY AND
ADMINISTRATIVE SERVICES ACT

Pub. L. 105-134, title I, §110(b), Dec. 2, 1997, 111 Stat. 2574, provided that: “Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.”

EXEMPTION FROM LAWS RELATING TO ABANDONED OR
UNCLAIMED PROPERTY

Pub. L. 104-205, title III, §347, Sept. 30, 1996, 110 Stat. 2976, provided that: “Hereinafter, the National Railroad Passenger Corporation (Amtrak) shall be exempted from any State or local law relating to the payment or delivery of abandoned or unclaimed personal property to any government authority, including any provision for the enforcement thereof, with respect to passenger rail tickets for which no refund has been or may be claimed, and such law shall not apply to funds held by Amtrak as a result of the purchase of tickets after April 30, 1972 for which no refund has been claimed.”

§ 24302. Board of directors

(a) COMPOSITION AND TERMS.—

(1) The Amtrak Board of Directors (referred to in this section as the “Board”) is composed of the following 9 directors, each of whom must be a citizen of the United States:

(A) The Secretary of Transportation.

(B) The President of Amtrak.

(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

(3) An individual appointed under paragraph (1)(C) of this subsection shall be appointed for a term of 5 years. Such term may be extended until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

(4) The Board shall elect a chairman and a vice chairman, other than the President of Amtrak, from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

(5) The Secretary may be represented at Board meetings by the Secretary's designee.

(b) PAY AND EXPENSES.—Each director not employed by the United States Government or Amtrak is entitled to reasonable pay when performing Board duties. Each director not employed by the United States Government is entitled to reimbursement from Amtrak for necessary travel, reasonable secretarial and professional staff sup-

port, and subsistence expenses incurred in attending Board meetings.

(c) TRAVEL.—(1) Each director not employed by the United States Government shall be subject to the same travel and reimbursable business travel expense policies and guidelines that apply to Amtrak's executive management when performing Board duties.

(2) Not later than 60 days after the end of each fiscal year, the Board shall submit a report describing all travel and reimbursable business travel expenses paid to each director when performing Board duties to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) The report submitted under paragraph (2) shall include a detailed justification for any travel or reimbursable business travel expense that deviates from Amtrak's travel and reimbursable business travel expense policies and guidelines.

(d) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

(e) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

(f) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 906; Pub. L. 105-134, title IV, §411(a), Dec. 2, 1997, 111 Stat. 2588; Pub. L. 110-432, div. B, title II, §202(a), Oct. 16, 2008, 122 Stat. 4911.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24302(a)(1) ..	45:543(a)(1) (words before (A)), (A) (1st sentence), (B)–(E) (words before comma).	Oct. 30, 1970, Pub. L. 91-518, §303(a), 84 Stat. 1330; re-stated Nov. 3, 1973, Pub. L. 93-146, §3(a), 87 Stat. 548; Feb. 5, 1976, Pub. L. 94-210, §706(f), 90 Stat. 124; Oct. 19, 1976, Pub. L. 94-555, §103, 90 Stat. 2615; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Aug. 13, 1981, Pub. L. 97-35, §1174(a), 95 Stat. 689; June 22, 1988, Pub. L. 100-342, §18(b), 102 Stat. 636.
24302(a)(2) ..	45:543(a)(2)(A) (1st sentence words before comma, last sentence).	
24302(a)(3) ..	45:543(a)(2)(B).	
24302(a)(4) ..	45:543(a)(1)(E) (words after comma).	
24302(a)(5) ..	45:543(a)(4).	
24302(a)(6) ..	45:543(a)(1)(A) (last sentence).	
24302(b)	45:543(a)(7).	
	45:543(c).	Oct. 30, 1970, Pub. L. 91-518, §303(b), (c), 84 Stat. 1331.
24302(c)	45:543(a)(6).	
24302(d)	45:543(a)(5).	
24302(e)	45:543(a)(2)(A) (1st sentence words after comma), (3), (8).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24302(f)	45:543(b).	

In subsection (a)(1), before clause (A), the words “is composed of the following 9 directors, each of whom must be a citizen” are substituted for “consisting of nine individuals who are citizens” for consistency in the revised title. The words “as follows” are omitted as surplus. In clause (A), the words “ex officio” are omitted as surplus. In clause (C)(ii), the words “chief executive officer of a State” are substituted for “Governor” for consistency in the revised title and with other titles of the United States Code. In clause (D), the text of 45:543(a)(1)(D)(i) and the words “after January 1, 1983” are omitted as executed.

In subsection (a)(2), the words “by the President” and “registered as” are omitted as surplus.

In subsection (a)(3) and (4), the word “selected” is substituted for “appointed” for consistency.

In subsection (a)(6), the word “only” is added for clarity.

In subsection (b), the text of 45:543(a)(7) is omitted as obsolete because preferred stockholder representatives are always part of Amtrak’s board of directors. The text of 45:543(c) (words after “all stockholders”) is omitted as obsolete because Congress eliminated common stockholder representatives when it reconstituted the board.

In subsection (c), the words “direct or indirect” are omitted as surplus.

In subsection (d), the word “performing” is substituted for “engaged in the actual performance of” to eliminate unnecessary words. The word “board” is added for consistency in the revised title and with other titles of the Code. The word “reasonable” is substituted for “which is reasonably required” to eliminate unnecessary words.

In subsection (e), the words “the membership of” and “in the case of” are omitted as surplus. The words “occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of the term” are substituted for “shall be appointed only for the unexpired term of the member he is appointed to succeed” for clarity and consistency in the revised title and with other titles of the Code. The words “under subsection (a)(1)(C)” the 2d time they appear are substituted for “paragraph (1)(B) of this subsection” in 45:543(a)(8) to correct an erroneous cross-reference.

AMENDMENTS

2008—Pub. L. 110-432 amended section generally. Prior to amendment, section related, in subsec. (a), to establishment, duties, membership, and confirmation procedure of Reform Board, in subsec. (b), to selection of the Board of Directors, and in subsec. (c), to authority of Reform Board to recommend to Congress a plan to implement transfer of Amtrak’s infrastructure assets and responsibilities to a new separately governed corporation.

1997—Pub. L. 105-134 amended section generally. Prior to amendment, section related, in subsec. (a), to composition and terms of Amtrak board of directors, in subsec. (b), to cumulative voting by stockholders, in subsec. (c), to conflicts of interest of directors, in subsec. (d), to pay and expenses of directors, in subsec. (e), to vacancies on board, and in subsec. (f), to bylaws of board.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-432, div. B, title II, §202(b), Oct. 16, 2008, 122 Stat. 4912, provided that: “The amendment made by subsection (a) [amending this section] shall take effect 6 months after the date of enactment of this Act [Oct. 16, 2008]. The members of the Amtrak Board of Direc-

tors serving as of the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.”

§ 24303. Officers

(a) APPOINTMENT AND TERMS.—Amtrak has a President and other officers that are named and appointed by the board of directors of Amtrak. An officer of Amtrak must be a citizen of the United States. Officers of Amtrak serve at the pleasure of the board.

(b) PAY.—The board may fix the pay of the officers of Amtrak. An officer may not be paid more than the general level of pay for officers of rail carriers with comparable responsibility. The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.

(c) CONFLICTS OF INTEREST.—When employed by Amtrak, an officer may not have a financial or employment relationship with another rail carrier, except that holding securities issued by a rail carrier is not deemed to be a violation of this subsection if the officer holding the securities makes a complete public disclosure of the holdings and does not participate in any decision directly affecting the rail carrier.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 907; Pub. L. 105-134, title II, §207, Dec. 2, 1997, 111 Stat. 2584.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24303(a)	45:543(d) (1st, 4th, 5th sentences).	Oct. 30, 1970, Pub. L. 91-518, §303(d), 84 Stat. 1331; June 22, 1972, Pub. L. 92-316, §1(a), 86 Stat. 227; May 26, 1975, Pub. L. 94-25, §2, 89 Stat. 90; July 18, 1982, Pub. L. 97-216, §101 (par. under heading “Grants to the National Railroad Passenger Corporation”), 96 Stat. 187; June 22, 1988, Pub. L. 100-342, §18(c), 102 Stat. 636.
24303(b)	45:543(d) (2d, 3d sentences).	
24303(c)	45:543(d) (last sentence).	

In subsection (a), the words “of directors of Amtrak” are added for clarity.

In subsection (b), the words “rates of”, “president and other”, and “at a level” are omitted as surplus.

In subsection (c), the words “direct or indirect” are omitted as surplus. The word “another” is substituted for “any” for clarity.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-134 inserted at end “The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.”

§ 24304. Employee stock ownership plans

In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 908; Pub. L. 105-134, title IV, §415(a)(1), Dec. 2, 1997, 111 Stat. 2590.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24304(a)	45:544(a) (1st sentence, last sentence words before (A), (A) (1st sentence), (B)(i) (1st sentence)).	Oct. 30, 1970, Pub. L. 91-518, §304(a), 84 Stat. 1331; Aug. 13, 1981, Pub. L. 97-35, §1175(1), (2), 95 Stat. 691.
24304(b)	45:544(a) (2d sentence). 45:544(b).	Oct. 30, 1970, Pub. L. 91-518, §304(b), 84 Stat. 1332; Oct. 28, 1974, Pub. L. 93-496, §2, 88 Stat. 1526.
24304(c)	45:544(a) (last sentence words before (A), (A) (last sentence), (B)(i) (last sentence), (ii), (iii)).	
24304(d)(1) ..	45:544(c)(1), (2).	Oct. 30, 1970, Pub. L. 91-518, §304(c)(1), (2), 84 Stat. 1332; restated Aug. 13, 1981, Pub. L. 97-35, §1175(3), 95 Stat. 691.
24304(d)(2) ..	45:544(c)(3).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §304(c)(3); added Apr. 7, 1986, Pub. L. 99-272, §4003, 100 Stat. 107.
24304(d)(3) ..	45:544(c)(4).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §304(c)(4); added Oct. 27, 1992, Pub. L. 102-533, §5, 106 Stat. 3517.
24304(e)	45:544(e)(2).	Oct. 30, 1970, Pub. L. 91-518, §304(d), (e), 84 Stat. 1332; restated Aug. 13, 1981, Pub. L. 97-35, §1175(4), 95 Stat. 691.
24304(f)	45:544(d).	
24304(g)	45:544(e)(1).	

In subsection (a), before clause (1), the words “issue and” are omitted because they are included in “have outstanding”. The words “in such amounts as it shall determine” are omitted as surplus. The words “one issue of common stock and one issue of preferred stock” are substituted for “two issues of capital stock, a common and a preferred” for clarity. In clause (1), the word “designated” is omitted as surplus.

In subsection (b)(1)(A), the words “may not hold” are substituted for “may be issued and held only by any person other than” to eliminate unnecessary words.

In subsections (b)(1)(B) and (c), the words “as defined in section 10102(6) of title 49” are omitted because of the definition of “rail carrier” in section 24102 of the revised title.

In subsection (b)(1)(B), the words “after the initial issue is completed” are omitted as executed. The words “single” and “directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control” are omitted as surplus. The words “may vote not more than one-third of the total number of shares of outstanding common stock of Amtrak” are substituted for “At no time . . . shall the aggregate of the shares of common stock of the Corporation voted by . . . exceed 33⅓ per centum of such shares issued and outstanding” to eliminate unnecessary words.

In subsection (b)(2), the words “Additional common stock” are substituted for “a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number” to eliminate unnecessary words. The words “issued and” are omitted because they are included in “outstanding”.

Subsection (c)(1) is substituted for “Dividends shall be fixed at a rate not less than 6 per centum per annum, and shall be cumulative” to eliminate unnecessary words.

In subsection (c)(2), the text of 45:544(a) (last sentence) (A) (last sentence) and the words “for any dividend period” and “at the rate fixed in the articles of incorporation” are omitted as surplus.

In subsection (c)(3), the words “holders of preferred stock” are substituted for “preferred stockholders”, and the words “holders of common stock” are substituted for “common stockholders”, for consistency in this chapter.

In subsection (c)(4), the words “at such time and upon such terms as the articles of incorporation shall provide” are omitted as surplus.

In subsection (d)(1), the text of 45:544(c)(1) and the words “Commencing on October 1, 1981” are omitted as executed. The words “and in consideration of receiving further Federal financial assistance”, “of the United States Government”, “additional”, and “of funds” are omitted as surplus.

In subsection (d)(3), the words “required to be issued” are omitted as surplus.

Subsection (e) is substituted for 45:544(e)(2) to eliminate unnecessary words.

In subsection (f), the words “in addition to the stock authorized by subsection (a) of this section”, “securities, bonds, debentures, notes, and other”, and “as it may determine” are omitted as surplus.

Subsection (g) is substituted for 45:544(e)(1) to eliminate unnecessary words.

AMENDMENTS

1997—Pub. L. 105-134 amended section catchline and text generally, substituting provisions relating to employee stock ownership plans for provisions relating to capitalization of Amtrak.

AMTRAK STOCK

Pub. L. 105-134, title IV, §415(b), (c), Dec. 2, 1997, 111 Stat. 2590, provided that:

“(b) REDEMPTION OF COMMON STOCK.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.

“(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

“(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act [Dec. 2, 1997].

“(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

“(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.”

§ 24305. General authority

(a) ACQUISITION AND OPERATION OF EQUIPMENT AND FACILITIES.—(1) Amtrak may acquire, operate, maintain, and make contracts for the operation and maintenance of equipment and facilities necessary for intercity and commuter rail passenger transportation, the transportation of mail and express, and auto-ferry transportation.

(2) Amtrak shall operate and control directly, to the extent practicable, all aspects of the rail passenger transportation it provides.

(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.

(b) MAINTENANCE AND REHABILITATION.—Amtrak may maintain and rehabilitate rail passenger equipment and shall maintain a regional maintenance plan that includes—

- (1) a review panel at the principal office of Amtrak consisting of members the President of Amtrak designates;
- (2) a systemwide inventory of spare equipment parts in each operational region;
- (3) enough maintenance employees for cars and locomotives in each region;
- (4) a systematic preventive maintenance program;
- (5) periodic evaluations of maintenance costs, time lags, and parts shortages and corrective actions; and
- (6) other elements or activities Amtrak considers appropriate.

(c) MISCELLANEOUS AUTHORITY.—Amtrak may—

- (1) make and carry out appropriate agreements;
- (2) transport mail and express and shall use all feasible methods to obtain the bulk mail business of the United States Postal Service;
- (3) improve its reservation system and advertising;
- (4) provide food and beverage services on its trains only if revenues from the services each year at least equal the cost of providing the services;
- (5) conduct research, development, and demonstration programs related to the mission of Amtrak; and
- (6) buy or lease rail rolling stock and develop and demonstrate improved rolling stock.

(d) THROUGH ROUTES AND JOINT FARES.—(1) Establishing through routes and joint fares between Amtrak and other intercity rail passenger carriers and motor carriers of passengers is consistent with the public interest and the transportation policy of the United States. Congress encourages establishing those routes and fares.

(2) Amtrak may establish through routes and joint fares with any domestic or international motor carrier, air carrier, or water carrier.

(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.

(e) RAIL POLICE.—Amtrak may employ rail police to provide security for rail passengers and property of Amtrak. Rail police employed by Amtrak who have complied with a State law establishing requirements applicable to rail police or individuals employed in a similar position may be employed without regard to the law of another State containing those requirements.

(f) DOMESTIC BUYING PREFERENCES.—(1) In this subsection, “United States” means the States, territories, and possessions of the United States and the District of Columbia.

(2) Amtrak shall buy only—

(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and sup-

plies mined, produced, or manufactured in the United States.

(3) Paragraph (2) of this subsection applies only when the cost of those articles, material, or supplies bought is at least \$1,000,000.

(4) On application of Amtrak, the Secretary of Transportation may exempt Amtrak from this subsection if the Secretary decides that—

(A) for particular articles, material, or supplies—

(i) the requirements of paragraph (2) of this subsection are inconsistent with the public interest;

(ii) the cost of imposing those requirements is unreasonable; or

(iii) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; or

(B) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 909; Pub. L. 105-134, title I, §107, Dec. 2, 1997, 111 Stat. 2573.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24305(a)(1) ..	45:545(a) (1st sentence 1st-32d words, words after last semicolon).	Oct. 30, 1970, Pub. L. 91-518, §305(a) (1st, 2d sentences), 84 Stat. 1332; June 22, 1972, Pub. L. 92-316, §2(1), (2), 86 Stat. 228; Nov. 3, 1973, Pub. L. 93-146, §4, 87 Stat. 549; Aug. 13, 1981, Pub. L. 97-35, §1188(b), 95 Stat. 699.
	45:545(b) (4th sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(b) (4th sentence); added June 22, 1972, Pub. L. 92-316, §2(3), 86 Stat. 228; Nov. 3, 1973, Pub. L. 93-146, §5, 87 Stat. 550.
	45:545(e)(5).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(e)(1)-(6); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 551.
24305(a)(2) ..	45:545(a) (2d sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(g); added Oct. 28, 1974, Pub. L. 93-496, §3, 88 Stat. 1527; re-stated Sept. 29, 1979, Pub. L. 96-73, §§106, 107, 93 Stat. 539, 540.
24305(b)	45:545(e)(2). 45:545(g).	
24305(c)(1) ..	45:851(a)(2).	Feb. 5, 1976, Pub. L. 94-210, §701(a)(2), 90 Stat. 119.
24305(c)(2) ..	45:545(a) (1st sentence 33d word-1st semicolon). 45:545a.	Oct. 5, 1978, Pub. L. 95-421, §19, 92 Stat. 930.
24305(c)(3) ..	45:545(e)(1).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(n); added Aug. 13, 1981, Pub. L. 97-35, §1177(a), 95 Stat. 692.
24305(c)(4) ..	45:545(n).	
24305(c)(5) ..	45:545(a) (1st sentence words between 1st and last semicolons), (e)(3).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(j); added Oct. 19, 1976, Pub. L. 94-555, §106, 90 Stat. 2615; Sept. 29, 1979, Pub. L. 96-73, §112(b), 93 Stat. 541.
24305(c)(6) ..	45:545(e)(4), (6).	
24305(d)	45:546(j).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24305(e)	45:545(j).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(j); added Oct. 19, 1976, Pub. L. 94-555, §104, 90 Stat. 2615; Sept. 29, 1979, Pub. L. 96-73, §§106, 108, 93 Stat. 539, 540.
24305(f)	45:545(k).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(k); added Oct. 5, 1978, Pub. L. 95-421, §10, 92 Stat. 928; Sept. 29, 1979, Pub. L. 96-73, §§106, 109, 93 Stat. 539, 540.

In subsection (a)(1), the text of 45:545(e)(5) is omitted as obsolete. The words “acquire, operate, maintain, and make contracts for the operation and maintenance of” are substituted for “own, manage, operate, or contract for the operation of”, “acquire by construction, purchase, or gift, or to contract for the use of”, “acquire, lease, modify, or develop”, and “or to enter into contracts for the provision of such service” to eliminate unnecessary words. The word “physical” is omitted as surplus. The words “intercity and commuter trains” are omitted as being included in “equipment”. The words “the transportation of mail and express” are substituted for “mail, express . . . service” for consistency in this chapter.

In subsection (b), before clause (1), the words “service” and “repair” are omitted as surplus. The words “not later than January 1, 1980” are omitted as executed. In clause (1), the words “principal office of Amtrak” are substituted for “corporate headquarters” for clarity and consistency. In clauses (3) and (4), the words “establishment of” are omitted as executed.

In subsection (c)(1), the words “contracts and” and “necessary or . . . in the conduct of its functions” are omitted as surplus.

In subsection (c)(2), the words “on such trains” in 45:545(a), and the words “including taking into account the needs of the United States Postal Service in establishing schedules” and “and service” in 45:545a, are omitted as surplus.

In subsection (c)(4), the text of 45:545(n) (1st sentence) and the words “Beginning October 1, 1982” are omitted as executed.

In subsection (d)(1), the words “rail passenger carriers” are substituted for “common carriers of passengers by rail” for consistency in the revised title. The words “establishing those routes and fares” are substituted for “the making of such arrangements” for clarity.

In subsection (e), the words “and protection” and “licensing, residency, or related” are omitted as surplus.

In subsection (f)(1), the words “several” and “the Commonwealth of Puerto Rico” are omitted as surplus.

In subsection (f)(2), the words “Except as provided in paragraph (2) or (3) of this subsection”, “which have been”, “all”, and “as the case may be” are omitted as surplus.

In subsection (f)(3), the text of 45:545(k)(4)(B) is omitted as executed.

In subsection (f)(4)(A) and (B), the words “the purchase of” are omitted as surplus.

In subsection (f)(4)(A)(i), the words “imposing” and “with respect to such articles, materials, and supplies” are omitted as surplus.

AMENDMENTS

1997—Subsec. (a)(3). Pub. L. 105-134, §107(a), added par. (3).

Subsec. (d)(3). Pub. L. 105-134, §107(b), added par. (3).

GENERAL SERVICES ADMINISTRATION SERVICES

Pub. L. 110-432, div. B, title II, §218(b), Oct. 16, 2008, 122 Stat. 4930, provided that: “Amtrak may obtain from the Administrator of General Services, and the Administrator may provide to Amtrak, services under sections 502(a) and 602 of title 40, United States Code.”

Pub. L. 106-554, §1(a)(4) [div. A, §1110], Dec. 21, 2000, 114 Stat. 2763, 2763A-202, provided that: “Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) [now 40 U.S.C. 502, 602, 603(a)(1)] for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.”

RAIL AND MOTOR CARRIER PASSENGER SERVICE

Pub. L. 105-134, title I, §108, Dec. 2, 1997, 111 Stat. 2574, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

“(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

“(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

“(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.”

EDUCATIONAL PARTICIPATION

Pub. L. 105-134, title IV, §412, Dec. 2, 1997, 111 Stat. 2589, provided that: “Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.”

§ 24306. Mail, express, and auto-ferry transportation

(a) ACTIONS TO INCREASE REVENUES.—Amtrak shall take necessary action to increase its revenues from the transportation of mail and express. To increase its revenues, Amtrak may provide auto-ferry transportation as part of the basic passenger transportation authorized by this part.

(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 910; Pub. L. 105-134, title I, §102, Dec. 2, 1997, 111 Stat. 2572.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24306(a)	45:545(b) (1st, 2d sentence words before 2d comma, last sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(b) (1st-3d, last sentences); added June 22, 1972, Pub. L. 92-316, §2(3), 86 Stat. 228; Nov. 3, 1973, Pub. L. 93-146, §5, 87 Stat. 549.
24306(b)(1) ..	45:545(b) (2d sentence words after 2d comma).	
24306(b)(2) ..	45:545(b) (3d sentence).	
24306(b)(3) ..	45:546(h).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(h); added Nov. 3, 1973, Pub. L. 93-146, §7, 87 Stat. 551.

In subsection (a), the words “and to better accomplish the purposes of this chapter” and “modify its services to” are omitted as surplus. The words “a department, agency, or instrumentality of the United States Government” are substituted for “Federal departments and agencies” for consistency in the revised title and with other titles of the United States Code. The words “consistent with the provisions of existing law” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “A person primarily providing auto-ferry transportation and any other person not a rail carrier may provide” are substituted for “except that nothing contained in this chapter shall prevent any other person, other than a railroad (except that for purposes of this section a person primarily engaged in auto-ferry service shall not be deemed to be a railroad), from providing such” to eliminate unnecessary words. The text of 45:545(b) (2d sentence words after “the public”) is omitted as obsolete.

In subsection (b)(2), the words “may provide” are substituted for “Nothing in this section shall be construed to restrict the right of . . . from performing” to eliminate unnecessary words and for clarity. The words “rail lines” are substituted for “lines” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (b)(3), the words “has the effect of prohibiting or”, “fine, penalty, or other”, and “for violation of” are omitted as surplus. The words “rail carrier” are substituted for “common carrier by railroad” for consistency in the revised title and with other titles of the Code.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-134, §102(1), struck out at end “When requested by Amtrak, a department, agency, or instrumentality of the United States Government shall assist in carrying out this section.”

Subsec. (b). Pub. L. 105-134, §102(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

“(1) A person primarily providing auto-ferry transportation and any other person not a rail carrier may provide auto-ferry transportation over any route under a certificate issued by the Interstate Commerce Commission if the Commission finds that the auto-ferry transportation—

“(A) will not impair the ability of Amtrak to reduce its losses or increase its revenues; and

“(B) is required to meet the public demand.

“(2) A rail carrier that has not made a contract with Amtrak to provide rail passenger transportation may provide auto-ferry transportation over its own rail lines.

“(3) State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.”

§ 24307. Special transportation

(a) REDUCED FARE PROGRAM.—Amtrak shall maintain a reduced fare program for the following:

(1) individuals at least 65 years of age.

(2) individuals (except alcoholics and drug abusers) who—

(A) have a physical or mental impairment that substantially limits a major life activity of the individual;

(B) have a record of an impairment; or

(C) are regarded as having an impairment.

(b) EMPLOYEE TRANSPORTATION.—(1) In this subsection, “rail carrier employee” means—

(A) an active full-time employee of a rail carrier or terminal company and includes an employee on furlough or leave of absence;

(B) a retired employee of a rail carrier or terminal company; and

(C) a dependent of an employee referred to in clause (A) or (B) of this paragraph.

(2) Amtrak shall ensure that a rail carrier employee eligible for free or reduced-rate rail transportation on April 30, 1971, under an agreement in effect on that date is eligible, to the greatest extent practicable, for free or reduced-rate intercity rail passenger transportation provided by Amtrak under this part, if space is available, on terms similar to those available on that date under the agreement. However, Amtrak may apply to all rail carrier employees eligible to receive free or reduced-rate transportation under any agreement a single systemwide schedule of terms that Amtrak decides applied to a majority of employees on that date under all those agreements. Unless Amtrak and a rail carrier make a different agreement, the carrier shall reimburse Amtrak at the rate of 25 percent of the systemwide average monthly yield of each revenue passenger-mile. The reimbursement is in place of costs Amtrak incurs related to free or reduced-rate transportation, including liability related to travel of a rail carrier employee eligible for free or reduced-rate transportation.

(3) This subsection does not prohibit the Interstate Commerce Commission from ordering retroactive relief in a proceeding begun or reopened after October 1, 1981.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 911; Pub. L. 105-134, title IV, § 406(b), Dec. 2, 1997, 111 Stat. 2586.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24307(a)	45:545(c)(2).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(c)(2); added Sept. 29, 1979, Pub. L. 96-73, §105(2), 93 Stat. 539.
24307(b)	45:545(c)(1).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(c)(1); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 550; Sept. 29, 1979, Pub. L. 96-73, §105(1), 93 Stat. 539.
24307(c)	45:565(f).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §405(f); added June 22, 1972, Pub. L. 92-316, §8, 86 Stat. 230; Sept. 29, 1979, Pub. L. 96-73, §120(a), 93 Stat. 547; Aug. 13, 1981, Pub. L. 97-35, §1184, 95 Stat. 697.

In subsection (a), before clause (1), the word “maintain” is substituted for “Within 90 days after September 29, 1979” and “establish” for clarity.

In subsection (b), before clause (1), the word “act” is substituted for “take all steps necessary to” to eliminate unnecessary words. The words “access to” are added for clarity. In clause (1), the words “and devices” are omitted as surplus. In clause (4), the words “architectural and other” are omitted as surplus.

In subsection (c)(1)(A), the words “period of” and “while on” are omitted as surplus.

In subsection (c)(2), the words “take such action as may be necessary to”, “the terms of . . . policy or”, and “to such railroad employee” are omitted as surplus. The words “or group of railroads” are omitted because of 1:1.

AMENDMENTS

1997—Subsecs. (b), (c). Pub. L. 105-134 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(b) ACTIONS TO ENSURE ACCESS.—Amtrak may act to ensure access to intercity transportation for elderly or handicapped individuals on passenger trains operated by or for Amtrak. That action may include—

- “(1) acquiring special equipment;
- “(2) conducting special training for employees;
- “(3) designing and acquiring new equipment and facilities;
- “(4) eliminating barriers in existing equipment and facilities to comply with the highest standards of design, construction, and alteration of property to accommodate elderly and handicapped individuals; and
- “(5) providing special assistance to elderly and handicapped individuals when getting on and off trains and in terminal areas.”

ACCESSIBILITY BY INDIVIDUALS WITH DISABILITIES

Pub. L. 110-432, div. B, title II, § 219, Oct. 16, 2008, 122 Stat. 4931, provided that:

“(a) IN GENERAL.—Amtrak, in consultation with station owners and other railroads operating service through the existing stations that it serves, shall evaluate the improvements necessary to make these stations readily accessible to and usable by individuals with disabilities, as required by such section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include, for each applicable station, improvements required to bring it into compliance with the applicable parts of such section 242(e)(2), any potential barriers to achieving compliance, including issues related to passenger rail station platforms, the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. The evaluation shall also include a detailed plan and schedule for bringing all applicable stations into compliance with the applicable parts of section 242(e)(2) by the 2010 statutory deadline for station accessibility. Amtrak shall submit the evaluation to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Department of Transportation; and the National Council on Disability by February 1, 2009, along with recommendations for funding the necessary improvements. Should the Department of Transportation issue any rule related to transportation for individuals with disabilities by intercity passenger rail after Amtrak submits its evaluation, Amtrak shall, within 120 days after the date that such rule is published, submit to the above parties a supplemental evaluation on any impact of the rule on its cost and schedule for achieving full compliance.

“(b) ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES.—There are authorized to be appropriated to the Secretary [of Transportation] for the use of Amtrak such sums as may be necessary to improve the accessibility of facilities, including rail platforms, and services.”

Pub. L. 110-432, div. B, title II, § 220, Oct. 16, 2008, 122 Stat. 4931, provided that: “Using the funds authorized by section 103 of this division [122 Stat. 4909], the Federal Railroad Administration shall monitor and conduct periodic reviews of Amtrak’s compliance with applicable sections of the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.] and the Rehabilitation Act of 1974 [probably means Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.] to ensure that Amtrak’s services and facilities are accessible to individuals with disabilities to the extent required by law.”

Pub. L. 105-134, title IV, § 406(a), Dec. 2, 1997, 111 Stat. 2586, provided that:

“(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of

the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 [42 U.S.C. 12101 et seq.] at any station jointly used by Amtrak and a commuter authority.

“(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.”

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

§ 24308. Use of facilities and providing services to Amtrak

(a) GENERAL AUTHORITY.—(1) Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities of, and have services provided by, the carrier or authority under terms on which the parties agree. The terms shall include a penalty for untimely performance.

(2)(A) If the parties cannot agree and if the Surface Transportation Board finds it necessary to carry out this part, the Board shall—

- (i) order that the facilities be made available and the services provided to Amtrak; and
- (ii) prescribe reasonable terms and compensation for using the facilities and providing the services.

(B) When prescribing reasonable compensation under subparagraph (A) of this paragraph, the Board shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services.

(C) The Board shall decide the dispute not later than 90 days after Amtrak submits the dispute to the Board.

(3) Amtrak’s right to use the facilities or have the services provided is conditioned on payment of the compensation. If the compensation is not paid promptly, the rail carrier or authority entitled to it may bring an action against Amtrak to recover the amount owed.

(4) Amtrak shall seek immediate and appropriate legal remedies to enforce its contract rights when track maintenance on a route over which Amtrak operates falls below the contractual standard.

(b) OPERATING DURING EMERGENCIES.—To facilitate operation by Amtrak during an emergency, the Board, on application by Amtrak, shall require a rail carrier to provide facilities immediately during the emergency. The Board then shall promptly prescribe reasonable terms, including indemnification of the carrier by Amtrak against personal injury risk to which the carrier may be exposed. The rail carrier shall provide the facilities for the duration of the emergency.

(c) **PREFERENCE OVER FREIGHT TRANSPORTATION.**—Except in an emergency, intercity and commuter rail passenger transportation provided by or for Amtrak has preference over freight transportation in using a rail line, junction, or crossing unless the Board orders otherwise under this subsection. A rail carrier affected by this subsection may apply to the Board for relief. If the Board, after an opportunity for a hearing under section 553 of title 5, decides that preference for intercity and commuter rail passenger transportation materially will lessen the quality of freight transportation provided to shippers, the Board shall establish the rights of the carrier and Amtrak on reasonable terms.

(d) **ACCELERATED SPEEDS.**—If a rail carrier refuses to allow accelerated speeds on trains operated by or for Amtrak, Amtrak may apply to the Board for an order requiring the carrier to allow the accelerated speeds. The Board shall decide whether accelerated speeds are unsafe or impracticable and which improvements would be required to make accelerated speeds safe and practicable. After an opportunity for a hearing, the Board shall establish the maximum allowable speeds of Amtrak trains on terms the Board decides are reasonable.

(e) **ADDITIONAL TRAINS.**—(1) When a rail carrier does not agree to provide, or allow Amtrak to provide, for the operation of additional trains over a rail line of the carrier, Amtrak may apply to the Board for an order requiring the carrier to provide or allow for the operation of the requested trains. After a hearing on the record, the Board may order the carrier, within 60 days, to provide or allow for the operation of the requested trains on a schedule based on legally permissible operating times. However, if the Board decides not to hold a hearing, the Board, not later than 30 days after receiving the application, shall publish in the Federal Register the reasons for the decision not to hold the hearing.

(2) The Board shall consider—

(A) when conducting a hearing, whether an order would impair unreasonably freight transportation of the rail carrier, with the carrier having the burden of demonstrating that the additional trains will impair the freight transportation; and

(B) when establishing scheduled running times, the statutory goal of Amtrak to implement schedules that attain a system-wide average speed of at least 60 miles an hour that can be adhered to with a high degree of reliability and passenger comfort.

(3) Unless the parties have an agreement that establishes the compensation Amtrak will pay the carrier for additional trains provided under an order under this subsection, the Board shall decide the dispute under subsection (a) of this section.

(f) **PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.**—

(1) **INVESTIGATION OF SUBSTANDARD PERFORMANCE.**—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum

standards are established under section 207 of the Passenger Rail Investment and Improvement Act of 2008 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board (referred to in this section as the “Board”) may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate such an investigation, to determine whether and to what extent delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over whose tracks the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operators. As part of its investigation, the Board has authority to review the accuracy of the train performance data and the extent to which scheduling and congestion contribute to delays. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

(2) **PROBLEMS CAUSED BY HOST RAIL CARRIER.**—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

(3) **DAMAGES AND RELIEF.**—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

(4) **USE OF DAMAGES.**—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 911; 110-432, div. B, title II, §213(a), (d), Oct. 16, 2008, 122 Stat. 4925, 4926.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24308(a)(1)–(3).	45:562(a)(1).	Oct. 30, 1970, Pub. L. 91–518, § 402(a)(1), 84 Stat. 1335; June 22, 1972, Pub. L. 92–316, § 5(1), 86 Stat. 229; Nov. 3, 1973, Pub. L. 93–146, § 10(1), 87 Stat. 552; Oct. 5, 1978, Pub. L. 95–421, § 15, 92 Stat. 929; Aug. 13, 1981, Pub. L. 97–35, § 1181, 95 Stat. 693; Apr. 7, 1986, Pub. L. 99–272, § 4017(b)(1), 100 Stat. 110.
24308(a)(4) ..	45:562 (note).	July 11, 1987, Pub. L. 100–71 (last proviso under heading “Grants to the National Railroad Passenger Corporation”), 101 Stat. 447.
24308(b)	45:562(c).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, § 402(c); added June 22, 1972, Pub. L. 92–316, § 5(2), 86 Stat. 229.
24308(c)	45:562(e).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, § 402(e); added Nov. 3, 1973, Pub. L. 93–146, § 10(2), 87 Stat. 552; Aug. 13, 1981, Pub. L. 97–35, § 1188(c), 95 Stat. 699.
24308(d)	45:562(f).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, § 402(f); added Nov. 3, 1973, Pub. L. 93–146, § 10(2), 87 Stat. 552.
24308(e)	45:562(g).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, § 402(g); added May 30, 1980, Pub. L. 96–254, § 216, 94 Stat. 418; Apr. 7, 1986, Pub. L. 99–272, § 4006(2), 100 Stat. 107.

In subsection (a)(1), the word “authority” is substituted for “agencies” for consistency in the revised title and with other titles of the United States Code. The words “tracks and other” are omitted as surplus. The words “of . . . by, the carrier or authority” are added for clarity. The words “and conditions” are omitted as surplus.

In subsection (a)(2)(A), before clause (i), the words “the purposes of” are omitted as surplus. In clause (ii), the words “just and” are omitted as surplus.

Subsection (a)(2)(B) is substituted for 45:562(a)(1) (3d sentence) to eliminate unnecessary words.

In subsection (a)(2)(C), the words “shall decide the dispute” are added, and the words “submits the dispute” are substituted for “application”, for clarity.

In subsection (a)(3), the words “Amtrak’s right to use the facilities or have the services provided is conditioned on payment of the compensation” are substituted for “and the rights of the Corporation to such services or to the use of tracks or facilities of the railroad or agency under such order . . . shall be conditioned upon payment by the Corporation of the compensation fixed by the Commission” to eliminate unnecessary words. The words “or under an order issued under subsection (b) of this section” are omitted as obsolete because 45:562(b) is executed. The words “amount of”, “fixed”, “duly and”, and “properly” are omitted as surplus.

In subsection (a)(4), the words “notwithstanding any other provision of law”, “hereafter”, and “becomes inadequate or otherwise” are omitted as surplus.

In subsections (b)–(d), the words “just and” are omitted as surplus.

In subsection (b), the words “as may be deemed by it to be necessary”, “tracks and other”, and “proceed to” are omitted as surplus. The words “personal injury” are substituted for “casualty” for consistency.

In subsections (c) and (d), the words “an opportunity for a” are added for clarity and consistency.

In subsection (c), the word “given” is omitted as surplus. The words “rail line” are substituted for “line of track” for consistency in the revised title and with other titles of the Code. The word “appropriate” is omitted as surplus. The words “the carrier” are substituted for “trains” for clarity and consistency. The words “and Amtrak” are added for clarity.

In subsection (d), the words “upon request of the Corporation” and “otherwise” are omitted as surplus. The words “which improvements would be required” are substituted for “and with respect to the nature and extent of improvements to track, signal systems, and other facilities that would be required” to eliminate unnecessary words.

In subsection (e)(1), the words “satisfactory, voluntary” are omitted as surplus. The words “provide, or allow Amtrak to provide” are added, and the words “Amtrak may apply to the Secretary for an order requiring the carrier to provide or allow for the operation of the requested trains” are substituted for “Upon receipt of an application from the Corporation”, for clarity.

In subsection (e)(2)(A), the words “involved” and “seeking to oppose the operation of an additional train” are omitted as surplus. The words “when conducting a hearing” are added for clarity.

In subsection (e)(2)(B), the word “proper” is omitted as surplus. The words “60 miles” are substituted for “55 miles” for consistency with 45:501a(8), restated in section 24101(c)(6) of the revised title. Section 1172(3) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 91–35, 95 Stat. 688) raised the speed from 55 to 60 in 45:501a but did not make a corresponding change in 45:562(g).

In subsection (e)(3), the words “Unless the parties have an agreement that establishes the compensation Amtrak will pay the carrier for additional trains provided under an order under this subsection” are substituted for 45:562(g) (last sentence words before last comma) to eliminate unnecessary words. The words “the dispute” are added for clarity and consistency in this section.

REFERENCES IN TEXT

Section 207 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (f)(1), is section 207 of Pub. L. 110–432, which is set out in a note under section 24101 of this title.

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110–432, § 213(d)(2), substituted “Board” for “Commission” wherever appearing.

Subsec. (a)(2)(A). Pub. L. 110–432, § 213(d)(1), substituted “Surface Transportation Board” for “Interstate Commerce Commission” in introductory provisions.

Subsec. (b). Pub. L. 110–432, § 213(d)(2), substituted “Board” for “Commission” in two places.

Subsec. (c). Pub. L. 110–432, § 213(d)(3), (4), substituted “Board” for “Secretary of Transportation” after “unless the” and for “Secretary” in three places.

Subsecs. (d), (e)(1), (2). Pub. L. 110–432, § 213(d)(4), substituted “Board” for “Secretary” wherever appearing.

Subsec. (e)(3). Pub. L. 110–432, § 213(d)(2), substituted “Board” for “Commission”.

Subsec. (f). Pub. L. 110–432, § 213(a), added subsec. (f).

FEES

Pub. L. 110–432, div. B, title II, § 213(b), Oct. 16, 2008, 122 Stat. 4926, provided that: “The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board’s services pursuant to this division [see Short Title of 2008 Amendment note set out under section 20101 of this title]. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this division. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.”

SPECIAL PASSENGER TRAINS

Pub. L. 110–432, div. B, title II, § 216, Oct. 16, 2008, 122 Stat. 4930, provided that: “Amtrak is encouraged to in-

crease the operation of special trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains."

§ 24309. Retaining and maintaining facilities

(a) DEFINITIONS.—In this section—

(1) "facility" means a rail line, right of way, fixed equipment, facility, or real property related to a rail line, right of way, fixed equipment, or facility, including a signal system, passenger station and repair tracks, a station building, a platform, and a related facility, including a water, fuel, steam, electric, and air line.

(2) downgrading a facility means reducing a track classification as specified in the Federal Railroad Administration track safety standards or altering a facility so that the time required for rail passenger transportation to be provided over the route on which a facility is located may be increased.

(b) APPROVAL REQUIRED FOR DOWNGRADING OR DISPOSAL.—A facility of a rail carrier or regional transportation authority that Amtrak used to provide rail passenger transportation on February 1, 1979, or on January 1, 1997, may be downgraded or disposed of only after approval by the Secretary of Transportation under this section.

(c) NOTIFICATION AND ANALYSIS.—(1) A rail carrier intending to downgrade or dispose of a facility Amtrak currently is not using to provide transportation shall notify Amtrak of its intention. If, not later than 60 days after Amtrak receives the notice, Amtrak and the carrier do not agree to retain or maintain the facility or to convey an interest in the facility to Amtrak, the carrier may apply to the Secretary for approval to downgrade or dispose of the facility.

(2) After a rail carrier notifies Amtrak of its intention to downgrade or dispose of a facility, Amtrak shall survey population centers with rail passenger transportation facilities to assist in preparing a valid and timely analysis of the need for the facility and shall update the survey as appropriate. Amtrak also shall maintain a system for collecting information gathered in the survey. The system shall collect the information based on geographic regions and on whether the facility would be part of a short haul or long haul route. The survey should facilitate an analysis of—

(A) ridership potential by ascertaining existing and changing travel patterns that would provide maximum efficient rail passenger transportation;

(B) the quality of transportation of competitors or likely competitors;

(C) the likelihood of Amtrak offering transportation at a competitive fare;

(D) opportunities to target advertising and fares to potential classes of riders;

(E) economic characteristics of rail passenger transportation related to the facility and the extent to which the characteristics

are consistent with sound economic principles of short haul or long haul rail transportation; and

(F) the feasibility of applying effective internal cost controls to the facility and route served by the facility to improve the ratio of passenger revenue to transportation expenses (excluding maintenance of tracks, structures, and equipment and depreciation).

(d) APPROVAL OF APPLICATION AND PAYMENT OF AVOIDABLE COSTS.—(1) If Amtrak does not object to an application not later than 30 days after it is submitted, the Secretary shall approve the application promptly.

(2) If Amtrak objects to an application, the Secretary shall decide by not later than 180 days after the objection those costs the rail carrier may avoid if it does not have to retain or maintain a facility in the condition Amtrak requests. If Amtrak does not agree by not later than 60 days after the decision to pay the carrier these avoidable costs, the Secretary shall approve the application. When deciding whether to pay a carrier the avoidable costs of retaining or maintaining a facility, Amtrak shall consider—

(A) the potential importance of restoring rail passenger transportation on the route on which the facility is located;

(B) the market potential of the route;

(C) the availability, adequacy, and energy efficiency of an alternate rail line or alternate mode of transportation to provide passenger transportation to or near the places that would be served by the route;

(D) the extent to which major population centers would be served by the route;

(E) the extent to which providing transportation over the route would encourage the expansion of an intercity rail passenger system in the United States; and

(F) the possibility of increased ridership on a rail line that connects with the route.

(e) COMPLIANCE WITH OTHER OBLIGATIONS.—Downgrading or disposing of a facility under this section does not relieve a rail carrier from complying with its other common carrier or legal obligations related to the facility.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 913; Pub. L. 105-134, title I, §162, Dec. 2, 1997, 111 Stat. 2578.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24309(a)	45:566(e)(1), (2).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §406; added Sept. 29, 1979, Pub. L. 96-73, §121, 93 Stat. 548.
24309(b)	45:566(a).	
24309(c)(1) ..	45:566(b).	
24309(c)(2) ..	45:566(d)(2).	
24309(d)(1) ..	45:566(c)(1).	
24309(d)(2) ..	45:566(c)(2), (d)(1).	
24309(e)	45:566(e)(3).	

In subsection (a)(1), the words "rail line" are substituted for "railroad tracks" for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the word "authority" is substituted for "agency" for consistency in the revised title and with other titles of the Code. The words "obtaining the" are omitted as surplus.

In subsection (c)(1), the words "first" and "to take such action" are omitted as surplus.

In subsection (c)(2), before clause (A), the words “need for the” are added for clarity. The words “necessary or” are omitted as surplus. The words “Within 90 days after September 29, 1979” and 45:566(d)(2)(A)(i) are omitted as executed. The word “maintain” is substituted for “take steps to prepare” for clarity. The words “survey plan which shall provide for” and “compilation, and storage” are omitted as surplus. In clause (F), the words “over time” are omitted as surplus.

In subsection (d)(2), before clause (A), the word “timely” is omitted as surplus. In clause (F), the words “rail line” are substituted for “lines of railroad” for consistency in the revised title and with other titles of the Code.

In subsection (e), the words “approval of” are omitted as surplus.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-134 inserted “or on January 1, 1997,” after “1979.”

§ 24310. Management accountability

(a) IN GENERAL.—Within 3 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and 2 years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

- (1) effectiveness in improving annual financial planning;
- (2) effectiveness in implementing improved financial accounting;
- (3) efforts to implement minimum train performance standards;
- (4) progress maximizing revenues, minimizing Federal subsidies, and improving financial results; and
- (5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.

(Added Pub. L. 110-432, div. B, title II, § 221(a), Oct. 16, 2008, 122 Stat. 4931.)

REFERENCES IN TEXT

The Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (a), is div. B of Pub. L. 110-432, Oct. 16, 2008, 122 Stat. 4907. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 20101 of this title and Tables.

PRIOR PROVISIONS

A prior section 24310, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 914, allowed petition or application for assistance in upgrading facilities to correct dangerous conditions or State and local violations, prior to repeal by Pub. L. 105-134, title IV, § 403, Dec. 2, 1997, 111 Stat. 2585.

§ 24311. Acquiring interests in property by eminent domain

(a) GENERAL AUTHORITY.—(1) To the extent financial resources are available, Amtrak may acquire by eminent domain under subsection (b) of this section interests in property—

(A) necessary for intercity rail passenger transportation, except property of a rail carrier, a State, a political subdivision of a State, or a governmental authority; or

(B) requested by the Secretary of Transportation in carrying out the Secretary's duty to design and build an intermodal transportation terminal at Union Station in the District of Columbia if the Secretary assures Amtrak that the Secretary will reimburse Amtrak.

(2) Amtrak may exercise the power of eminent domain only if it cannot—

(A) acquire the interest in the property by contract; or

(B) agree with the owner on the purchase price for the interest.

(b) CIVIL ACTIONS.—(1) A civil action to acquire an interest in property by eminent domain under subsection (a) of this section must be brought in the district court of the United States for the judicial district in which the property is located or, if a single piece of property is located in more than one judicial district, in any judicial district in which any piece of the property is located. An interest is condemned and taken by Amtrak for its use when a declaration of taking is filed under this subsection and an amount of money estimated in the declaration to be just compensation for the interest is deposited in the court. The declaration may be filed with the complaint in the action or at any time before judgment. The declaration must contain or be accompanied by—

(A) a statement of the public use for which the interest is taken;

(B) a description of the property sufficient to identify it;

(C) a statement of the interest in the property taken;

(D) a plan showing the interest taken; and

(E) a statement of the amount of money Amtrak estimates is just compensation for the interest.

(2) When the declaration is filed and the deposit is made under paragraph (1) of this subsection, title to the property vests in Amtrak in fee simple absolute or in the lesser interest shown in the declaration, and the right to the money vests in the person entitled to the money. When the declaration is filed, the court may decide—

(A) the time by which, and the terms under which, possession of the property is given to Amtrak; and

(B) the disposition of outstanding charges related to the property.

(3) After a hearing, the court shall make a finding on the amount that is just compensation for the interest in the property and enter judgment awarding that amount and interest on it. The rate of interest is 6 percent a year and is computed on the amount of the award less the amount deposited in the court from the date of taking to the date of payment.

(4) On application of a party, the court may order immediate payment of any part of the amount deposited in the court for the compensation to be awarded. If the award is more than the amount received, the court shall enter judgment against Amtrak for the deficiency.

(c) AUTHORITY TO CONDEMN RAIL CARRIER PROPERTY INTERESTS.—(1) If Amtrak and a rail carrier cannot agree on a sale to Amtrak of an

interest in property of a rail carrier necessary for intercity rail passenger transportation, Amtrak may apply to the Interstate Commerce Commission for an order establishing the need of Amtrak for the interest and requiring the carrier to convey the interest on reasonable terms, including just compensation. The need of Amtrak is deemed to be established, and the Commission, after holding an expedited proceeding and not later than 120 days after receiving the application, shall order the interest conveyed unless the Commission decides that—

(A) conveyance would impair significantly the ability of the carrier to carry out its obligations as a common carrier; and

(B) the obligations of Amtrak to provide modern, efficient, and economical rail passenger transportation can be met adequately by acquiring an interest in other property, either by sale or by exercising its right of eminent domain under subsection (a) of this section.

(2) If the amount of compensation is not determined by the date of the Commission's order, the order shall require, as part of the compensation, interest at 6 percent a year from the date prescribed for the conveyance until the compensation is paid.

(3) Amtrak subsequently may reconvey to a third party an interest conveyed to Amtrak under this subsection or prior comparable provision of law if the Commission decides that the reconveyance will carry out the purposes of this part, regardless of when the proceeding was brought (including a proceeding pending before a United States court on November 28, 1990).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 915.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24311(a)	45:545(d)(1) (less words between 11th comma and proviso).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(d)(1); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 550; re-stated Oct. 28, 1974, Pub. L. 93-496, §6, 88 Stat. 1528; Feb. 5, 1976, Pub. L. 94-210, §706(g), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.
24311(b)(1) ..	45:545(d)(1) (words between 11th comma and proviso).	
	45:545(d)(2), (3) (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(d)(2)-(5); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 550.
24311(b)(2) ..	45:545(d)(3) (2d sentence), (5).	
24311(b)(3) ..	45:545(d)(3) (3d, last sentences).	
24311(b)(4) ..	45:545(d)(4).	
24311(c)	45:562(d).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §402(d); added Nov. 3, 1973, Pub. L. 93-146, §10(2), 87 Stat. 552; Feb. 5, 1976, Pub. L. 94-210, §706(h), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Nov. 28, 1990, Pub. L. 101-641, §9(a), 104 Stat. 4658.
	45:562 (note).	Nov. 28, 1990, Pub. L. 101-641, §9(b), 104 Stat. 4658.

In subsection (a)(1), before clause (A), the words “the exercise of the right of” and “right-of-way, land, or other” are omitted as surplus.

In subsection (b)(1) and (2), the words “estate or” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “A civil action to acquire an interest in property by eminent domain under subsection (a) of this section must be brought” are added, the words “any judicial district in which any piece of the property is located” are substituted for “any such court”, and the words “under this subsection” are added, for clarity.

In subsection (b)(2), before clause (A), the words “When the declaration is filed and the deposit is made under paragraph (1) of this subsection” are substituted for “shall thereupon” for clarity. The word “immediately” is omitted as surplus. In clause (A), the words “possession of the property is given to Amtrak” are substituted for “the parties in possession are required to surrender possession to the Corporation” to eliminate unnecessary words. Clause (B) is substituted for 45:545(d)(5) (last sentence) to eliminate unnecessary words.

In subsection (b)(3), the words “of money” are omitted as surplus. The words “awarding that amount and interest on it” are substituted for “make an award and . . . accordingly. Such judgment shall include, as part of the just compensation awarded, interest” to eliminate unnecessary words. The words “of interest” are added for clarity. The words “finally . . . as the value of the property on the date of taking” and “on such date” are omitted as surplus.

In subsection (b)(4), the word “award” is substituted for “compensation finally awarded” for consistency and to eliminate unnecessary words. The words “of the money . . . by any person entitled to compensation” and “amount of the” are omitted as surplus.

In subsection (c)(1), before clause (A), the words “terms for”, “at issue”, “to the Corporation”, “and conditions”, “for the property”, “in any event”, “from the Corporation”, and “to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation” are omitted as surplus. In clause (A), the words “of the property to the Corporation” are omitted as surplus. In clause (B), the words “either by sale or by exercising its right of eminent domain under subsection (a) of this section” are substituted for “which is available for sale on reasonable terms to the Corporation, or available to the Corporation by the exercise of its authority under section 545(d) of this title” for clarity and to eliminate unnecessary words.

In subsection (c)(3), the words “reconvey . . . an interest conveyed to Amtrak under this subsection or prior comparable provision of law” are substituted for “convey title or other interest in such property” for consistency in the revised title and to eliminate unnecessary words. The words “regardless of when the proceeding was brought” are substituted for section 9(b) (less words in parentheses) of the Independent Safety Board Act Amendments of 1990 (Public Law 101-641, 104 Stat. 4658) to eliminate unnecessary words.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

§ 24312. Labor standards

(a) PREVAILING WAGES AND HEALTH AND SAFETY STANDARDS.—Amtrak shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed under an agreement made under section 24308(a)

of this title will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141–3144, 3146, and 3147 of title 40. Amtrak may make such an agreement only after being assured that required labor standards will be maintained on the construction work. Health and safety standards prescribed by the Secretary under section 3704 of title 40 apply to all construction work performed under such an agreement, except for construction work performed by a rail carrier.

(b) **WAGE RATES.**—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed to comply with sections 3141–3144, 3146, and 3147 of title 40.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 916; Pub. L. 105–134, title I, §§101(f), 105(c), 121(a), Dec. 2, 1997, 111 Stat. 2572–2574; Pub. L. 107–217, §3(n)(4), Aug. 21, 2002, 116 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24312(a)	45:565(d).	Oct. 30, 1970, Pub. L. 91–518, §405(d), 84 Stat. 1337.
24312(b)	45:565(e).	Oct. 30, 1970, Pub. L. 91–518, §405(e), 84 Stat. 1337; Aug. 13, 1981, Pub. L. 97–35, §1177(b), 95 Stat. 692.

In subsection (a)(1), the words “take such action as may be necessary to”, “the performance of”, “with the assistance of funds received”, “contract or”, “at rates”, and “adequate” are omitted as surplus.

In subsection (a)(2), the words “provided for” and “and pursuant to” are omitted as surplus.

In subsection (b)(1), the words “Except as provided in paragraph (2) of this subsection” are omitted as surplus.

REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (b), is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–217, §3(n)(4)(A), substituted “sections 3141–3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a–276a–5)” and “section 3704 of title 40” for “section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333)”.

Subsec. (b). Pub. L. 107–217, §3(n)(4)(B), substituted “sections 3141–3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a–276a–5)”.

1997—Subsec. (a)(1). Pub. L. 105–134, §121(a)(2), redesignated par. (1) as subsec. (a).

Pub. L. 105–134, §§101(f), 105(c), struck out “, 24701(a), or 24704(b)(2)” after “24308(a)”.

Subsec. (a)(2). Pub. L. 105–134, §121(a)(3), redesignated par. (2) as subsec. (b).

Subsec. (b). Pub. L. 105–134, §121(a)(1), (3), redesignated subsec. (a)(2) as (b), inserted heading, and struck out former subsec. (b), which read as follows:

“(b) **CONTRACTING OUT.**—(1) Amtrak may not contract out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak or a rail carrier that provided intercity rail passenger transportation on October 30, 1970, if contracting out results in the layoff of an employee in the bargaining unit.

“(2) This subsection does not apply to food and beverage services provided on trains of Amtrak.”

CONTRACTING OUT

Pub. L. 105–134, title I, §121(b)–(d), Dec. 2, 1997, 111 Stat. 2574, 2575, provided that:

“(b) **AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.**—

“(1) **CONTRACTING OUT.**—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act [Dec. 2, 1997] is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date [Dec. 2, 1997] of the amendments made by subsection (a) [amending this section].

“(2) **ENFORCEABILITY OF AMENDMENT.**—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act [45 U.S.C. 151 et seq.].

“(c) **CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.**—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

“(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

“(A) the date on which labor agreements under negotiation on the date of enactment of this Act [Dec. 2, 1997] may be re-opened; or

“(B) November 1, 1999,

whichever is earlier;

“(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

“(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

“(d) **NO INFERENCE.**—The amendment made by subsection (a)(1) [amending this section] is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.”

§ 24313. Rail safety system program

In consultation with rail labor organizations, Amtrak shall maintain a rail safety system program for employees working on property owned by Amtrak. The program shall be a model for other rail carriers to use in developing safety programs. The program shall include—

(1) periodic analyses of accident information, including primary and secondary causes;

(2) periodic evaluations of the activities of the program, particularly specific steps taken in response to an accident;

(3) periodic reports on amounts spent for occupational health and safety activities of the program;

(4) periodic reports on reduced costs and personal injuries because of accident prevention activities of the program;

(5) periodic reports on direct accident costs, including claims related to accidents; and

(6) reports and evaluations of other information Amtrak considers appropriate.
(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 917.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24313	45:646.	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §807; added Oct. 5, 1978, Pub. L. 95-421, §13, 92 Stat. 929.

In this section, before clause (1), the words “No later than January 1, 1979” are omitted as executed. The word “maintain” is substituted for “develop and implement” for clarity. The words “designed to serve as” and “required under this section” are omitted as surplus. In clause (1), the words “if known” are omitted as surplus. In clause (2), the words “undertaken” and “causes” are omitted as surplus. In clauses (3)–(6), the word “reports” is substituted for “identification” for clarity. In clause (3), the word “included” is omitted as surplus. In clause (4), the words “personal injuries” are substituted for “fatalities, and casualties” for consistency in the revised title. The word “activities” is added for clarity. In clause (6), the words “or data” and “necessary or” are omitted as surplus.

[§ 24314. Repealed. Pub. L. 105-134, title IV, § 404, Dec. 2, 1997, 111 Stat. 2586]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 917; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to Amtrak developing plan for demonstrating new technology that may increase train speed in intercity rail passenger system.

§ 24315. Reports and audits

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Not later than February 15 of each year, Amtrak shall submit to Congress a report that—

(1) for each route on which Amtrak provided intercity rail passenger transportation during the prior fiscal year, includes information on—

- (A) ridership;
- (B) passenger-miles;
- (C) the short-term avoidable profit or loss for each passenger-mile;
- (D) the revenue-to-cost ratio;
- (E) revenues;
- (F) the United States Government subsidy;
- (G) the subsidy not provided by the United States Government; and
- (H) on-time performance;

(2) provides relevant information about a decision to pay an officer of Amtrak more than the rate for level I of the Executive Schedule under section 5312 of title 5; and

(3) specifies—

- (A) significant operational problems Amtrak identifies; and
- (B) proposals by Amtrak to solve those problems.

(b) AMTRAK GENERAL AND LEGISLATIVE ANNUAL REPORT.—(1) Not later than February 15 of each year, Amtrak shall submit to the President and Congress a complete report of its operations, activities, and accomplishments, including a statement of revenues and expenditures for the prior fiscal year. The report—

(A) shall include a discussion and accounting of Amtrak’s success in meeting the goal of section 24902(b)¹ of this title; and

(B) may include recommendations for legislation, including the amount of financial assistance needed for operations and capital improvements, the method of computing the assistance, and the sources of the assistance.

(2) Amtrak may submit reports to the President and Congress at other times Amtrak considers desirable.

(c) SECRETARY’S REPORT ON EFFECTIVENESS OF THIS PART.—The Secretary of Transportation shall prepare a report on the effectiveness of this part in meeting the requirements for a balanced transportation system in the United States. The report may include recommendations for legislation. The Secretary shall include this report as part of the annual report the Secretary submits under section 308(a) of this title.

(d) INDEPENDENT AUDITS.—An independent certified public accountant shall audit the financial statements of Amtrak each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be included in the report required by subsection (a) of this section.

(e) COMPTROLLER GENERAL AUDITS.—The Comptroller General may conduct performance audits of the activities and transactions of Amtrak. Each audit shall be conducted at the place at which the Comptroller General decides and under generally accepted management principles. The Comptroller General may prescribe regulations governing the audit.

(f) AVAILABILITY OF RECORDS AND PROPERTY OF AMTRAK AND RAIL CARRIERS.—Amtrak and, if required by the Comptroller General, a rail carrier with which Amtrak has made a contract for intercity rail passenger transportation shall make available for an audit under subsection (d) or (e) of this section all records and property of, or used by, Amtrak or the carrier that are necessary for the audit. Amtrak and the carrier shall provide facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. Amtrak and the carrier may keep all reports and property.

(g) COMPTROLLER GENERAL’S REPORT TO CONGRESS.—The Comptroller General shall submit to Congress a report on each audit, giving comments and information necessary to inform Congress on the financial operations and condition of Amtrak and recommendations related to those operations and conditions. The report also shall specify any financial transaction or undertaking the Comptroller General considers is carried out without authority of law. When the Comptroller General submits a report to Congress, the Comptroller General shall submit a copy of it to the President, the Secretary, and Amtrak at the same time.

(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak’s records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.

¹ See References in Text note below.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 918; Pub. L. 105-134, title II, §206, Dec. 2, 1997, 111 Stat. 2584.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24315(a)	45:548(a).	Oct. 30, 1970, Pub. L. 91-518, §308(a), 84 Stat. 1333; June 22, 1972, Pub. L. 92-316, §4, 86 Stat. 228; Sept. 29, 1979, Pub. L. 96-73, §113, 93 Stat. 542; Aug. 13, 1981, Pub. L. 97-35, §1180(a), 95 Stat. 693; restated Apr. 7, 1986, Pub. L. 99-272, §4005, 100 Stat. 107; June 22, 1988, Pub. L. 100-342, §18(d), 102 Stat. 637.
24315(b)	45:548(b).	Oct. 30, 1970, Pub. L. 91-518, §308(b), 84 Stat. 1333; restated June 22, 1972, Pub. L. 92-316, §4, 86 Stat. 229; Nov. 3, 1973, Pub. L. 93-146, §8, 87 Stat. 551; May 26, 1975, Pub. L. 94-25, §4(a), 89 Stat. 90.
	45:851(d)(2).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §701(d)(2); added May 30, 1980, Pub. L. 96-254, §205, 94 Stat. 412.
24315(c)	45:548(c).	Oct. 30, 1970, Pub. L. 91-518, §308(c), 84 Stat. 1333; restated June 22, 1972, Pub. L. 92-316, §4, 86 Stat. 229; May 26, 1975, Pub. L. 94-25, §4(b), 89 Stat. 90; Aug. 13, 1981, Pub. L. 97-35, §1180(b), 95 Stat. 693.
24315(d)	45:644(1)(A) (1st, 2d sentences), (B).	Oct. 30, 1970, Pub. L. 91-518, §805(1), 84 Stat. 1340.
24315(e)	45:644(2)(A) (1st, 2d sentences).	Oct. 30, 1970, Pub. L. 91-518, §805(2)(A), 84 Stat. 1340; Oct. 28, 1974, Pub. L. 93-496, §11, 88 Stat. 1531; Apr. 7, 1986, Pub. L. 99-272, §4007(a), 100 Stat. 108.
24315(f)	45:644(1)(A) (last sentence), (2)(A) (3d, last sentences), (B), 45:644(2)(B).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §805(2)(B); added June 22, 1972, Pub. L. 92-316, §11(2), 86 Stat. 233; Apr. 7, 1986, Pub. L. 99-272, §4007(a)(2), 100 Stat. 108.
24315(g)	45:644(2)(C).	Oct. 30, 1970, Pub. L. 91-518, §805(2)(C), 84 Stat. 1340; June 22, 1972, Pub. L. 92-316, §11(2), 86 Stat. 233.

In subsection (a)(2), the words “to . . . compensation” and “prescribed” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “(beginning with 1973)” are omitted as executed. The word “complete” is substituted for “comprehensive and detailed” to eliminate unnecessary words. The words “under this chapter” are omitted as surplus. The word “revenues” is substituted for “receipts” for consistency. In clause (B), the words “may include recommendations for legislation” are substituted for “At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable”, the words “the method of computing the assistance” are substituted for “the manner and form in which the amount of such assistance should be computed”, and the words “of the assistance” are substituted for “from which such assistance should be derived”, to eliminate unnecessary words.

In subsection (c), the words “(beginning with 1974)” are omitted as executed. The word “prepare” is substituted for “transmit to the President and to the Congress by March 15 of each year” for clarity because the report is now part of the annual report under 49:308(a). The words “Beginning in 1976” are omitted as executed. The word “Secretary” is substituted for “Department of Transportation” because of 49:102(b). The words “submits under section 308(a) of this title” are substituted for “to the Congress” for clarity.

In subsection (d), the words “independent licensed public accountants certified or licensed by a regulatory

authority of a State or other political subdivision of the United States” are omitted as obsolete because only certified public accountants are used for the audit. Only noncertified public accountants licensed before December 30, 1970, who were already conducting audits were allowed to continue. The words “or places” are omitted because of 1:1. The words “financial statements” are substituted for “accounts” because audits are performed on financial statements, not accounts. The words “independent” and “annual” are omitted as surplus. The text of 45:644(1)(B) (last sentence) is omitted as surplus because those requirements are included in “generally accepted auditing standards”.

In subsection (e), the word “rules” is omitted as being synonymous with “regulations”. The words “or places” are omitted because of 1:1. The word “appropriate” is omitted as surplus.

In subsection (f), the words “if required” are substituted for “To the extent . . . deems necessary” to eliminate unnecessary words. The words “the person conducting”, “The representatives of the Comptroller General”, “his representatives”, “as he may make of the financial transactions of the Corporation”, “things, or”, and “full” are omitted as surplus. The words “may keep” are substituted for “shall remain in possession and custody of” and “shall remain in the possession and custody of” to eliminate unnecessary words.

In subsection (g), the word “giving” is substituted for “The report to the Congress shall contain such” to eliminate unnecessary words. The words “as the Comptroller General may deem”, “as he may deem advisable”, “program, expenditure or other”, “observed in the course of the audit”, and “or made” are omitted as surplus.

REFERENCES IN TEXT

Section 24902(b) of this title, referred to in subsec. (b)(1)(A), was redesignated section 24902(a) and section 24902(e) was redesignated section 24902(b) by Pub. L. 105-134, title IV, §405(b)(1)(A), Dec. 2, 1997, 111 Stat. 2586.

AMENDMENTS

1997—Subsec. (h). Pub. L. 105-134 added subsec. (h).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsecs. (a), (b)(1), (c), and (d) of this section relating to requirements to submit regular periodic reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 3rd item on page 176 and the 6th and 7th items on page 204 of House Document No. 103-7.

FUNDING FOR VALUATION OF AMTRAK’S ASSETS

Pub. L. 108-447, div. H, title I, Dec. 8, 2004, 118 Stat. 3221, provided in part: “That the Secretary of Transportation is authorized to retain up to \$4,000,000 of the funds provided to be used to retain a consultant or consultants to assist the Secretary in preparing a comprehensive valuation of Amtrak’s assets to be completed not later than September 30, 2005: *Provided further*, That these funds shall be available to the Secretary of Transportation until expended: *Provided further*, That this valuation shall to be used to retain a consultant or consultants to develop to the Secretary’s satisfaction a methodology for determining the avoidable and fully allocated costs of each Amtrak route: *Provided further*, That once the Secretary has approved the methodology for determining the avoidable and fully allocated costs of each Amtrak route, Amtrak shall apply that methodology in compiling an annual report to Congress on the avoidable and fully allocated costs of each of its routes, with the initial report for fiscal year 2005 to be submitted to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation before December 31, 2005, and each subsequent report to be submitted

within 90 days after the end of the fiscal year to which the report pertains.”

REPORTS ON OPERATING LOSSES

Pub. L. 108-7, div. I, title III, §350, Feb. 20, 2003, 117 Stat. 419, provided that: “On February 15, 2003, and on each year thereafter, the National Railroad Passenger Corporation shall submit to the appropriate Congressional Committees a report detailing the per passenger operating loss on each rail line.”

AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS

Pub. L. 105-134, title IV, §414, Dec. 2, 1997, 111 Stat. 2589, provided that: “If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

- “(1) the name of the individual or firm involved;
- “(2) the purpose of the contract or arrangement; and
- “(3) the amount and nature of Amtrak’s financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act [Dec. 2, 1997].”

§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

(a) **SUBMISSION OF PLAN.**—Not later than 6 months after the date of the enactment of the Rail Safety Improvement Act of 2008, a rail passenger carrier shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a rail passenger carrier intercity train and resulting in a major loss of life.

(b) **CONTENTS OF PLANS.**—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

(1) A process by which a rail passenger carrier will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.

(3) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

(5) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger’s name appeared on any preliminary passenger manifest for the train involved in the accident.

(6) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier and by which any possession of the passenger within the control of the rail passenger carrier (regardless of its condition)—

(A) will be retained by the rail passenger carrier for at least 18 months; and

(B) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

(8) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

(9) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

(10) An assurance that the rail passenger carrier will work with any organization designated under section 1139(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1139(a)(2) of this title for services provided by the organization.

(c) **USE OF INFORMATION.**—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor a rail passenger carrier may release to the public any personal information on a list obtained under subsection (b)(1), but may provide information on the list about a passenger to the passenger’s family members to the extent that the Board or a rail passenger carrier considers appropriate.

(d) **LIMITATION ON STATUTORY CONSTRUCTION.**—

(1) **RAIL PASSENGER CARRIERS.**—Nothing in this section may be construed as limiting the

actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

(2) INVESTIGATIONAL AUTHORITY OF BOARD AND SECRETARY.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including the development of information regarding the nature of injuries sustained and the manner in which they were sustained, for the purpose of determining compliance with existing laws and regulations or identifying means of preventing similar injuries in the future.

(e) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

(f) DEFINITIONS.—In this section, the terms “passenger” and “rail passenger accident” have the meaning given those terms by section 1139 of this title.

(g) FUNDING.—Out of funds appropriated pursuant to section 20117(a)(1)(A), there shall be made available to the Secretary of Transportation \$500,000 for fiscal year 2010 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.

(Added Pub. L. 110–432, div. A, title V, §502(a), Oct. 16, 2008, 122 Stat. 4897.)

REFERENCES IN TEXT

The date of the enactment of the Rail Safety Improvement Act of 2008, referred to in subsec. (a), is the date of enactment of div. A of Pub. L. 110–432, which was approved Oct. 16, 2008.

CHAPTER 244—INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

Sec.	
24401.	Definitions.
24402.	Capital investment grants to support intercity passenger rail service.
24403.	Project management oversight.
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§ 24401. Definitions

In this chapter:

(1) APPLICANT.—The term “applicant” means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

(2) CAPITAL PROJECT.—The term “capital project” means a project or program in a

State rail plan developed under chapter 227 of this title for—

(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

(C) costs associated with developing State rail plans; and

(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

(3) INTERCITY PASSENGER RAIL SERVICE.—The term “intercity passenger rail service” means intercity rail passenger transportation, as defined in section 24102 of this title.

(Added Pub. L. 110–432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4935.)

§ 24402. Capital investment grants to support intercity passenger rail service

(a) GENERAL AUTHORITY.—

(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

(2) Consistent with the requirements of this chapter, the Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008. For the period prior to the earlier of the issuance of such a rule or 2 years after the date of enactment of such Act, the Secretary shall issue interim guidance to applicants covering such procedures, and administer the grant program authorized under this section pursuant to such guidance.

(b) PROJECT AS PART OF STATE RAIL PLAN.—

(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

(1) require—

(A) that the project be part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008;

(B) that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

(C) that the applicant provides sufficient information upon which the Secretary can make the findings required by this subsection;

(D) that if an applicant has selected the proposed operator of its service competitively, that the applicant provide written justification to the Secretary showing why the proposed operator is the best, taking into account costs and other factors;

(E) that each proposed project meet all safety and security requirements that are applicable to the project under law; and

(F) that each project be compatible with, and operated in conformance with—

(i) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

(ii) the national rail plan (if it is available);

(2) select projects—

(A) that are anticipated to result in significant improvements to intercity rail passenger service, including, but not limited to, consideration of—

(i) the project's levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing de-

mand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

(ii) the project's anticipated favorable impact on air or highway traffic congestion, capacity, or safety; and

(iii) identification of the project by the Surface Transportation Board as necessary to improve the on-time performance and reliability of intercity passenger rail under section 24308(f);

(B) for which there is a high degree of confidence that the proposed project is feasible and will result in the anticipated benefits, as indicated by—

(i) the project's precommencement compliance with environmental protection requirements;

(ii) the readiness of the project to be commenced;

(iii) the timing and amount of the project's future noncommitted investments;

(iv) the commitment of any affected host rail carrier to ensure the realization of the anticipated benefits; and

(v) other relevant factors as determined by the Secretary; and

(C) for which the level of the anticipated benefits compares favorably to the amount of Federal funding requested under this chapter; and

(3) give greater consideration to projects—

(A) that are anticipated to result in benefits to other modes¹ transportation and to the public at large, including, but not limited to, consideration of the project's—

(i) encouragement of intermodal connectivity through provision of direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

(ii) anticipated improvement of freight or commuter rail operations;

(iii) encouragement of the use of positive train control technologies;

(iv) environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

(v) anticipated positive economic and employment impacts;

(vi) encouragement of State and private contributions toward station development, energy and environmentally² efficiency, and economic benefits; and

(vii) falling under the description in section 5302(a)(1)(G) of this title as defined to support intercity passenger rail service; and

(B) that incorporate equitable financial participation in the project's financing, including, but not limited to, consideration of—

¹ So in original. Probably should be followed by "of".

² So in original.

- (i) donated property interests or services;
- (ii) financial contributions by freight and commuter rail carriers commensurate with the benefit expected to their operations; and
- (iii) financial commitments from host railroads, non-Federal governmental entities, nongovernmental entities, and others.

(d) **STATE RAIL PLANS.**—State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of chapter 227 of this title, as determined by the Secretary pursuant to section 22506³ of this title, shall be deemed by the Secretary to have met the requirements of subsection (c)(1)(A) of this section.

(e) **AMTRAK ELIGIBILITY.**—To receive a grant under this section, Amtrak may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5)³ of this title. For such a grant, Amtrak may not use Federal funds authorized under section 101(a) or (c) of the Passenger Rail Investment and Improvement Act of 2008 to fulfill the non-Federal share requirements under subsection (g) of this section.

(f) **LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.**—

(1) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

(2) At least 30 days before issuing a letter under paragraph (1) of this subsection, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement, the criteria used in subsection (c) for selecting the project for a grant award, and a description of how the project meets such criteria.

(3) An obligation or administrative commitment may be made only when amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

(g) **FEDERAL SHARE OF NET PROJECT COST.**—

(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

(3) The following amounts, not to exceed \$15,000,000 per fiscal year, shall be available to each applicant as a credit toward an applicant's matching requirement for a grant awarded under this section—

(A) in each of fiscal years 2009, 2010, and 2011—

(i) 50 percent of the average of amounts expended in fiscal years 2002 through 2008 by an applicant for capital projects related to intercity passenger rail service; and

(ii) 50 percent of the average of amounts expended in fiscal years 2002 through 2008 by an applicant for operating costs of such service; and

(B) in each of fiscal years 2010, 2011 and 2012, 50 percent of the amount by which the amounts expended for capital projects and operating costs related to intercity passenger rail service by an applicant in the prior fiscal year exceed the average capital and operating expenditures made for such service in fiscal years 2006, 2007, and 2008.

The Secretary may require such information as necessary to verify such expenditures. Credits made available to an applicant in a fiscal year under this paragraph may only be applied towards grants awarded in that fiscal year.

(4) The Federal share of expenditures for capital improvements under this chapter may not exceed 100 percent.

(h) **2-YEAR AVAILABILITY.**—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

(i) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this chapter.

(2) **FORMS OF PARTICIPATION.**—Participation by an entity under paragraph (1) may consist of—

(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

(B) cost-sharing of any project expense;

(C) carrying out administration, construction management, project management, project operation, or any other management

³ See References in Text note below.

or operational duty associated with the project; and

(D) any other form of participation approved by the Secretary.

(3) SUBALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 of this title that provide public benefits (as defined in chapter 227) as determined by the Secretary; or

(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

(k) SMALL CAPITAL PROJECTS.—The Secretary shall make not less than 5 percent annually available from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 beginning in fiscal year 2009 for grants for capital projects eligible under this section not exceeding \$2,000,000, including costs eligible under section 209(d) of that Act. For grants awarded under this subsection, the Secretary may waive requirements of this section, including state⁴ rail plan requirements, as appropriate.

(l) NONMOTORIZED TRANSPORTATION ACCESS AND STORAGE.—Grants under this chapter may be used to provide access to rolling stock for non-motorized transportation, including bicycles, and recreational equipment, and to provide storage capacity in trains for such transportation, equipment, and other luggage, to ensure passenger safety.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4936.)

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (a)(2) and (d), is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

Section 211 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (b)(1) and (c)(1)(A), is section 211 of Pub. L. 110-432, which is set out as a note under section 24902 of this title.

Sections 207 and 209(d) of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (c)(2)(A)(i) and (k), respectively, are sections 207 and 209(d) of Pub. L. 110-432, which are set out in a note under section 24101 of this title.

Section 22506 of this title, referred to in subsec. (d), probably should be a reference to section 22706 of this title, which requires the Secretary to prescribe procedures for submitting State rail plans for review. No section 22506 of this title has been enacted.

⁴ So in original. Probably should be capitalized.

Section 22504(a)(5) of this title, referred to in subsec. (e), probably should be a reference to section 22705(a)(5) of this title, which requires each State rail plan to contain a long-range rail investment program that includes a list of any rail capital projects expected to be undertaken or supported in whole or in part by the State. Section 22504(a) of this title does not contain a par. (5).

Section 101 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (e) and (k), is section 101 of title I of div. B of Pub. L. 110-432, Oct. 16, 2008, 122 Stat. 4908, which is not classified to the Code.

§ 24403. Project management oversight

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this chapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and record-keeping system;

(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

(8) material testing policies and procedures;

(9) internal plan implementation and reporting requirements;

(10) criteria and procedures to be used for testing the operational system or its major components;

(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

(12) the recipient's commitment to submit periodically a project budget and project schedule to the Secretary.

(b) SECRETARIAL OVERSIGHT.—

(1) The Secretary may use no more than 1 percent of amounts made available in a fiscal year for capital projects under this chapter to enter into contracts to oversee the construction of such projects.

(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (b) of this section with access to the construction sites and records of the recipient when reasonably necessary.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4941.)

§ 24404. Use of capital grants to finance first-dollar liability of grant project

Notwithstanding the requirements of section 24402 of this chapter, the Secretary of Transportation may approve the use of a capital assistance grant under this chapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the grant, but the coverage may not exceed \$20,000,000 per occurrence or \$20,000,000 in aggregate per year.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4942.)

§ 24405. Grant conditions

(a) BUY AMERICA.—(1) The Secretary of Transportation may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

(2) The Secretary of Transportation may waive paragraph (1) of this subsection if the Secretary finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(C) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or

(D) including domestic material will increase the cost of the overall project by more than 25 percent.

(3) For purposes of this subsection, in calculating the components' costs, labor costs involved in final assembly shall not be included in the calculation.

(4) If the Secretary determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the Secretary shall, before the date on which such finding takes effect—

(A) publish in the Federal Register a detailed written justification as to why the waiver is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a reasonable period of time not to exceed 15 days.

(5) Not later than December 31, 2012, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on any waivers granted under paragraph (2).

(6) The Secretary of Transportation may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

(7) A person is ineligible to receive a contract or subcontract made with amounts authorized under this chapter if a court or department, agency, or instrumentality of the Government decides the person intentionally—

(A) affixed a “Made in America” label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

(8) The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

(9) The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

(10) A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

(11) The requirements of this subsection shall only apply to projects for which the costs exceed \$100,000.

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this chapter shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (43¹ U.S.C. 151 et seq.); and

¹ So in original. Probably should be “(45)”.

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this chapter for a project that uses rights-of-way owned by a railroad that—

(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

(A) any compensation for such use;

(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

(2) the applicant agrees to comply with—

(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act² on a project funded in whole or in part by grants made under this chapter and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

(B) establishes a procedure for notifying such an employee of such positions;

(C) establishes a procedure for such an employee to apply for such positions; and

(D) establishes rates of pay, rules, and working conditions.

(2) IMMEDIATE REPLACEMENT SERVICE.—

(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). The arbitrator shall be guided by prevailing national standard rates of pay, benefits, and working conditions for comparable work. This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the ad-

² See References in Text note below.

versely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

(e) **INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.**—Nothing in this section applies to—

(1) commuter rail passenger transportation (as defined in section 24102(4)² of this title) operations of a State or local government³ authority (as those terms are defined in section 5302(11)² and (6),² respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

(2) the Alaska Railroad or its contractors; or

(3) Amtrak's access rights to railroad rights of way and facilities under current law.

(f) **LIMITATION.**—No grants shall be provided under this chapter for commuter rail passenger transportation, as defined in section 24102(4)² of this title.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4942.)

REFERENCES IN TEXT

The Railroad Retirement Act of 1974, referred to in subsec. (b)(1), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Railway Labor Act, referred to in subsec. (b)(2), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(3), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

The date of enactment of this Act, referred to in subsec. (d)(1), probably means the date of enactment of Pub. L. 110-432, which enacted this section and was approved Oct. 16, 2008.

Section 24102(4) of this title, referred to in subsecs. (e)(1) and (f), was redesignated section 24102(3) of this title by Pub. L. 110-432, div. B, title II, §201(a)(2), Oct. 16, 2008, 122 Stat. 4909.

Section 5302(11) of this title, referred to in subsec. (e)(1), probably means section 5302(a)(13) of this title, which defines "State".

Section 5302(6) of this title, referred to in subsec. (e)(1), probably means section 5302(a)(6), which defines "local governmental authority".

³ So in original. Probably should be "governmental".

ASSISTANCE WITH BUY AMERICA WAIVER REQUESTS

Pub. L. 110-432, div. B, title III, §301(c), Oct. 16, 2008, 122 Stat. 4946, provided that: "In implementing section 24405(a) of title 49, United States Code, the Federal Highway Administration shall, upon request by the Federal Railroad Administration, assist the Federal Railroad Administration in developing a process for posting on its website or distributing via email notices of waiver requests received pursuant to such subsection and soliciting public comments on the intent to issue a waiver. The Federal Railroad Administration's development of such a process does not relieve the Federal Railroad Administration of the requirements under paragraph (4) of such subsection."

§ 24406. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Transportation for capital grants under this chapter the following amounts:

- (1) For fiscal year 2009, \$100,000,000.
- (2) For fiscal year 2010, \$300,000,000.
- (3) For fiscal year 2011, \$400,000,000.
- (4) For fiscal year 2012, \$500,000,000.
- (5) For fiscal year 2013, \$600,000,000.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4946.)

[CHAPTER 245—REPEALED]

[§§ 24501 to 24506. Repealed. Pub. L. 105-134, title I, § 106(a), Dec. 2, 1997, 111 Stat. 2573]

Section 24501, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 919; Pub. L. 103-429, §6(21), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 104-88, title III, §308(h), Dec. 29, 1995, 109 Stat. 947, related to status of Amtrak Commuter and applicable laws.

Section 24502, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 920, related to board of directors of Amtrak Commuter.

Section 24503, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to appointment and service of officers of Amtrak Commuter.

Section 24504, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to general authority of Amtrak Commuter.

Section 24505, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to Amtrak's rights and responsibilities as relating to commuter rail passenger transportation.

Section 24506, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 922, provided that certain powers and duties of Consolidated Rail Corporation were not affected by this chapter.

TRACKAGE RIGHTS NOT AFFECTED

Pub. L. 105-134, title I, §106(c), Dec. 2, 1997, 111 Stat. 2573, provided that: "The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities."

CHAPTER 247—AMTRAK ROUTE SYSTEM

Sec.

24701. National rail passenger transportation system.

24702. Transportation requested by States, authorities, and other persons¹

[24703 to 24705. Repealed.]

24706. Discontinuance.

[24707, 24708. Repealed.]

24709. International transportation.

24710. Long distance routes.²

¹ So in original. Probably should be followed by a period.

² So in original. Does not conform to section catchline.

Sec.

24711. Alternate passenger rail service pilot program.

AMENDMENTS

2008—Pub. L. 110-432, div. B, title II, §§201(b)(2), 210(b), 214(c), Oct. 16, 2008, 122 Stat. 4910, 4920, 4929, added items 24702, 24710, and 24711.

1997—Pub. L. 105-134, title I, §§101(a)(2), (b), (d), (e), 103-105(a), Dec. 2, 1997, 111 Stat. 2572, 2573, substituted “National rail passenger transportation system” for “Operation of basic system” in item 24701 and struck out item 24702 “Improving rail passenger transportation”, item 24703 “Route and service criteria”, item 24704 “Transportation requested by States, authorities, and other persons”, item 24705 “Additional qualifying routes”, item 24707 “Cost and performance review”, and item 24708 “Special commuter transportation”.

§ 24701. National rail passenger transportation system

Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 923; Pub. L. 105-134, title I, §101(a)(1), Dec. 2, 1997, 111 Stat. 2572.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24701(a)	45:561(b).	Oct. 30, 1970, Pub. L. 91-518, §401(b), 84 Stat. 1335.
24701(b)	45:561(c).	Oct. 30, 1970, Pub. L. 91-518, §401(c), 84 Stat. 1335; Nov. 3, 1973, Pub. L. 93-146, §9, 87 Stat. 551.

In subsection (a), before clause (1), the text of 45:561(b) (1st sentence words after 3d comma) is omitted as obsolete because no regional transportation authority provided intercity rail passenger transportation after May 1, 1971. The words “On May 1, 1971” and “begin” are omitted as executed. The words “between points” and “either” are omitted as surplus. In clause (2), the words “under contract with Amtrak” are substituted for 45:561(b) (last sentence) for clarity and to eliminate unnecessary words. The words “at any time subsequent to May 1, 1971” are omitted as executed.

In subsection (b), the words “concerning auto-ferry service . . . railroad or any other” are omitted as surplus.

AMENDMENTS

1997—Pub. L. 105-134 substituted section catchline for former catchline which read “Operation of basic system” and amended text generally. Prior to amendment, text read as follows:

“(a) BY AMTRAK.—Amtrak shall provide intercity rail passenger transportation within the basic system unless the transportation is provided by—

“(1) a rail carrier with which Amtrak did not make a contract under section 401(a) of the Rail Passenger Service Act; or

“(2) a regional transportation authority under contract with Amtrak.

“(b) BY OTHERS WITH CONSENT OF AMTRAK.—Except as provided in section 24306 of this title, a person may provide intercity rail passenger transportation over a route over which Amtrak provides scheduled intercity rail passenger transportation under a contract under section 401(a) of the Act only with the consent of Amtrak.”

§ 24702. Transportation requested by States, authorities, and other persons

(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a re-

gional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.

(Added Pub. L. 110-432, div. B, title II, §201(b)(1), Oct. 16, 2008, 122 Stat. 4910.)

PRIOR PROVISIONS

A prior section 24702, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 923; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to carrying out plan to improve intercity rail passenger service prior to repeal by Pub. L. 105-134, title I, §101(b), Dec. 2, 1997, 111 Stat. 2572.

ACCESS TO AMTRAK EQUIPMENT AND SERVICES

Pub. L. 110-432, div. B, title II, §217, Oct. 16, 2008, 122 Stat. 4930, provided that: “If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak’s other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined, as appropriate, in accordance with the methodology established pursuant to section 209 of this division [49 U.S.C. 24101 note], if available.”

[[§§ 24703 to 24705. Repealed. Pub. L. 105-134, title I, §§103-105(a), Dec. 2, 1997, 111 Stat. 2572, 2573]

Section 24703, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 924, provided route and service criteria for modifying or discontinuing routes.

Section 24704, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 925, related to application by States, regional or local authorities, or other persons requesting Amtrak to provide passenger rail service and criteria for decision.

Section 24705, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 926; Pub. L. 104-88, title III, §308(i), Dec. 29, 1995, 109 Stat. 947, related to providing service on routes recommended to be discontinued, criteria for deferring Secretary’s recommendation, and providing short haul demonstration routes.

§ 24706. Discontinuance

(a) NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this section, at least 180 days before a discontinuance under section 24704¹ or or² discontinuing service over a

¹ See References in Text note below.

² So in original.

route, Amtrak shall give notice of the discontinuance in the way Amtrak decides will give a State, a regional or local authority, or another person the opportunity to agree to share or assume the cost of any part of the train, route, or service to be discontinued.

(2) Notice of the discontinuance under section 24704¹ or paragraph (1) shall be posted in all stations served by the train to be discontinued at least 14 days before the discontinuance.

(b) DISCONTINUANCE FOR LACK OF APPROPRIATIONS.—(1) Amtrak may discontinue service under section 24704¹ or subsection (a)(1) during—

(A) the first month of a fiscal year if the authorization of appropriations and the appropriations for Amtrak are not enacted at least 90 days before the beginning of the fiscal year; and

(B) the 30 days following enactment of an appropriation for Amtrak or a rescission of an appropriation.

(2) Amtrak shall notify each affected State or regional or local transportation authority of a discontinuance under this subsection as soon as possible after Amtrak decides to discontinue the service.

(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 927; Pub. L. 105–134, title I, §§101(c), 142(a), Dec. 2, 1997, 111 Stat. 2572, 2576; Pub. L. 110–432, div. B, title II, §201(d), Oct. 16, 2008, 122 Stat. 4910.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24706(a)(1) ..	45:564(c)(4)(F)(ii).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, §404(c)(4)(F); added Sept. 29, 1979, Pub. L. 96–73, §117, 93 Stat. 545; restated Aug. 13, 1981, Pub. L. 97–35, §1183(b), 95 Stat. 696.
24706(a)(2) ..	45:564(c)(4)(F)(i).	
24706(b)	45:564(c)(4)(F)(iii).	
24706(c)(1) ..	45:565(a) (2d sentence).	Oct. 30, 1970, Pub. L. 91–518, §405(a) (1st, 2d sentences), 84 Stat. 1337; restated June 22, 1972, Pub. L. 92–316, §7(a), 86 Stat. 230.
	45:565(a) (last sentence).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, §405(a) (last sentence); added Apr. 7, 1986, Pub. L. 99–272, §4016, 100 Stat. 110.
24706(c)(2) ..	45:565(a) (1st sentence).	
	45:565(b) (1st sentence).	Oct. 30, 1970, Pub. L. 91–518, §405(b) (1st–3d sentences), 84 Stat. 1337.
	45:565(c) (1st sentence words before 2d comma).	Oct. 30, 1970, Pub. L. 91–518, §405(c), 84 Stat. 1337; restated June 22, 1972, Pub. L. 92–316, §7(c), 86 Stat. 230.
24706(c)(3) ..	45:565(b) (2d sentence).	
24706(c)(4) ..	45:565(b) (3d sentence).	
24706(c)(5) ..	45:565(c) (1st sentence words after 2d comma, last sentence).	
24706(c)(6) ..	45:565(g).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, §405(g); added Aug. 13, 1981, Pub. L. 97–35, §1188(d), 95 Stat. 699.

In subsection (a)(1), the words “Except as provided in subsection (b) of this section” are added for clarity.

The word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), before clause (A), the words “Notwithstanding the provisions of clause (ii)” are omitted as surplus. In clauses (A) and (B), the words “the benefit of” are omitted as surplus. In clause (A), the words “for such fiscal year” are omitted as surplus.

In subsection (c)(1), before clause (A), the words “Amtrak or” are substituted for 45:565(c) (1st sentence words before 2d comma) to eliminate unnecessary words because operations in the basic system have begun. The words “whether occurring before, on, or after January 1, 1975” and “without being limited to, such provisions as may be necessary for” are omitted as surplus. In clause (A), the words “to such employees” are omitted as surplus.

In subsection (c)(3), the words “section 11347 of this title” are substituted for and coextensive with “section 5(2)(f) of the Interstate Commerce Act” in section 405(b) of the Rail Passenger Service Act (Public Law 91–518, 84 Stat. 1337) on authority of section 3(b) of the Act of October 17, 1978 (Public Law 95–473, 92 Stat. 1466).

In subsection (c)(5), the words “be construed to” are omitted as surplus. The text of 45:565(c) (last sentence) is omitted as executed.

REFERENCES IN TEXT

Section 24704 of this title, referred to in text, was repealed by Pub. L. 105–134, title I, §105(a), Dec. 2, 1997, 111 Stat. 2573.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110–432 added subsec. (c).

1997—Subsec. (a)(1). Pub. L. 105–134, §101(c)(1)–(3), substituted “180 days” for “90 days” and “or discontinuing service over a route,” for “24707(a) or (b) of this title,” and inserted “or assume” after “agree to share”.

Subsec. (a)(2). Pub. L. 105–134, §101(c)(4), which directed substitution of “paragraph (1)” for “section 24707(a) or (b) of this title”, was executed by making the substitution for “24707(a) or (b) of this title” to reflect the probable intent of Congress.

Subsec. (b)(1). Pub. L. 105–134, §101(c)(5), which directed substitution of “subsection (a)(1)” for “section 24707(a) or (b) of this title”, was executed by making the substitution for “24707(a) or (b) of this title” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 105–134, §142(a), struck out subsec. (c) which related to employee protective arrangements.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 142(a) of Pub. L. 105–134 effective 180 days after Dec. 2, 1997, see section 142(c) of Pub. L. 105–134, set out in an Employee Protection Reforms note below.

EMPLOYEE PROTECTION REFORMS

Pub. L. 105–134, title I, §§141, 142, Dec. 2, 1997, 111 Stat. 2575, 2576, provided that:

“SEC. 141. RAILWAY LABOR ACT PROCEDURES.

“(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act [Dec. 2, 1997], notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

“(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the

dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act [Dec. 2, 1997].

“(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act [Dec. 2, 1997].

“(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—

“(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act [Dec. 2, 1997]; and

“(B) is not submitted to arbitration as described in subsection (c),

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

“(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

“(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act [45 U.S.C. 160] shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

“(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

“(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

“(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

“(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act [see Short Title of 1997 Amendment note set out under section 20101 of this title], or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act [Dec. 2, 1997].

“SEC. 142. SERVICE DISCONTINUANCE.

“(a) REPEAL.—Section 24706(c) is repealed.

“(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act [Dec. 2, 1997] between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

“(c) SPECIAL EFFECTIVE DATE.—Subsections (a) [amending this section] and (b) of this section shall take effect 180 days after the date of the enactment of this Act [Dec. 2, 1997].

“(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.”

[[§§ 24707, 24708. Repealed. Pub. L. 105–134, title I, § 101(d), (e), Dec. 2, 1997, 111 Stat. 2572]

Section 24707, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 928, required annual route, financial, and performance reviews.

Section 24708, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 929, related to continuing, modifying, or discontinuing passenger transportation routes.

§ 24709. International transportation

Amtrak may develop and operate international intercity rail passenger transportation between the United States and Canada and between the United States and Mexico. The Secretary of the Treasury and the Attorney General, in cooperation with Amtrak, shall maintain, consistent with the effective enforcement of the immigration and customs laws, en route customs inspection and immigration procedures for international intercity rail passenger transportation that will—

(1) be convenient for passengers; and

(2) result in the quickest possible international intercity rail passenger transportation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 929.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24709	45:545(e)(7) (less words between parentheses).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, §305(e)(7) (less words between parentheses); added Nov. 3, 1973, Pub. L. 93–146, §6, 87 Stat. 551.
	45:545(i).	Oct. 30, 1970, Pub. L. 91–518, 84 Stat. 1327, §305(i); added Oct. 28, 1974, Pub. L. 93–496, §4, 88 Stat. 1527; re-stated May 26, 1975, Pub. L. 94–25, §3, 89 Stat. 90; Sept. 29, 1979, Pub. L. 96–73, §106, 93 Stat. 539; Aug. 13, 1981, Pub. L. 97–35, §1176, 95 Stat. 692; Apr. 7, 1986, Pub. L. 99–272, §1303(h)(1), 100 Stat. 310.

In this section, before clause (1), the words “points within”, “points in”, and “including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico” in 45:545(e)(7) are omitted as surplus. The words “establish and” in 45:545(i) (1st sentence) are omitted as executed. The words “trains operated in” are omitted as surplus.

CROSS-BORDER PASSENGER RAIL SERVICE

Pub. L. 110–432, div. B, title IV, §406, Oct. 16, 2008, 122 Stat. 4958, provided that:

“(a) PLAN.—Not later than 1 year after the date of the enactment of this Act [Oct. 16, 2008], Amtrak shall, in consultation with the Secretary [of Transportation], the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

“(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ‘Amtrak Cascades’);

“(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

“(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

“(b) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary [of Transportation] and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct pre-clearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

“(1) in Vancouver, Canada, no later than June 1, 2009; and

“(2) in other areas as determined appropriate by the Secretary.”

§ 24710. Long-distance routes

(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008, Amtrak shall—

(1) evaluate annually the financial and operating performance of each long-distance passenger rail route operated by Amtrak; and

(2) rank the overall performance of such routes for 2008 and identify each long-distance passenger rail route operated by Amtrak in 2008 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and post on its website a performance improvement plan for its long-distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 207 of that Act. The plan shall address—

(1) on-time performance;

(2) scheduling, frequency, routes, and stops;

(3) the feasibility of restructuring service into connected corridor service;

(4) performance-related equipment changes and capital improvements;

(5) on-board amenities and service, including food, first class, and sleeping car service;

(6) State or other non-Federal financial contributions;

(7) improving financial performance;

(8) anticipated Federal funding of operating and capital costs; and

(9) other aspects of Amtrak’s long-distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak’s long-distance passenger rail routes.

(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

(1) beginning in fiscal year 2010 for those routes identified as being in the worst performing third under subsection (a)(2);

(2) beginning in fiscal year 2011 for those routes identified as being in the second best performing third under subsection (a)(2); and

(3) beginning in fiscal year 2012 for those routes identified as being in the best performing third under subsection (a)(2).

(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If the Federal Railroad

Administration determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or, after the performance improvement plan is implemented under subsection (c)(1) in accordance with the terms of that plan, Amtrak has not achieved the outcomes it has established for such routes, under the plan for any calendar year, the Federal Railroad Administration—

(1) shall notify Amtrak, the Inspector General of the Department of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate of its determination under this subsection;

(2) shall provide Amtrak with an opportunity for a hearing with respect to that determination; and

(3) may withhold appropriated funds otherwise available to Amtrak for the operation of a route or routes from among the worst performing third of routes currently served by Amtrak on which Amtrak is not making reasonable progress, other than funds made available for passenger safety or security measures.

(Added Pub. L. 110-432, div. B, title II, §210(a), Oct. 16, 2008, 122 Stat. 4918.)

REFERENCES IN TEXT

Section 207 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (a) and (b), is section 207 of Pub. L. 110-432, which is set out in a note under section 24101 of this title.

§ 24711. Alternate passenger rail service pilot program

(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Federal Railroad Administration shall complete a rule-making proceeding to develop a pilot program that—

(1) permits a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 to petition the Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak for a period not to exceed 5 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008;

(2) requires the Administration to notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

(3) requires that each bid describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

(4) requires the Administration to select winning bidders by evaluating the bids against the financial and performance metrics developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008 and

to give preference in awarding contracts to bidders seeking to operate routes that have been identified as one of the five worst performing Amtrak routes under section 24710;

(5) requires the Administration to execute a contract within a specified, limited time after the deadline established under paragraph (2) and award to the winning bidder—

(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008; and

(B) an operating subsidy—

(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

(ii) for any subsequent years at such level, adjusted for inflation; and

(6) requires that each bid contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan be made available by the winning bidder to the public after the bid award.

(b) **ROUTE LIMITATIONS.**—The Administration may not make the program available with respect to more than 2 Amtrak intercity passenger rail routes.

(c) **PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.**—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

(B) the service provider's compliance with the minimum standards established under section 207 of the Passenger Rail Investment and Improvement Act of 2008 and such additional performance standards as the Administration may establish;

(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities directly related to operations to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 217 of that Act, necessary to carry out the purposes of this section;

(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and sub-

ject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

(4) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder and shall be subject to the grant conditions under section 24405 of this title.

(d) **CESSATION OF SERVICE.**—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board, shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in subsection (a)(1).

(e) **ADEQUATE RESOURCES.**—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.

(Added Pub. L. 110-432, div. B, title II, §214(a), Oct. 16, 2008, 122 Stat. 4927.)

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (a), is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

Section 207 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (a)(4), (5)(A), and (c)(1)(B), is section 207 of Pub. L. 110-432, which is set out in a note under section 24101 of this title.

Section 217 of that Act, referred to in subsec. (c)(2), is section 217 of Pub. L. 110-432, which is set out as a note under section 24702 of this title.

Section 121 of the Amtrak Reform and Accountability Act of 1997, referred to in subsec. (c)(3), is section 121 of Pub. L. 105-134, which amended section 24312 of this title and enacted provisions set out as a note under section 24312 of this title.

EMPLOYEE TRANSITION ASSISTANCE

Pub. L. 110-432, div. B, title II, §215, Oct. 16, 2008, 122 Stat. 4929, provided that:

“(a) **PROVISION OF FINANCIAL INCENTIVES.**—For Amtrak employees who are adversely affected by the cessation of the operation of a long-distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary [of Transportation] shall develop a program under which the Secretary may, at the Secretary's discretion, provide grants for financial incentives to be provided to Amtrak employees who voluntarily terminate their employment with Amtrak and relinquish any legal rights to receive termination-related payments under any contractual agreement with Amtrak.

“(b) **CONDITIONS FOR FINANCIAL INCENTIVES.**—As a condition for receiving financial assistance grants under this section, Amtrak must certify that—

“(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of

any route, to other positions within Amtrak in accordance with any contractual agreements;

“(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

“(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

“(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

“(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than \$100,000 per employee.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to Amtrak to provide financial incentives under subsection (a).

“(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to Amtrak from funds authorized by section 101 of this division [122 Stat. 4908] for termination-related payments to employees under existing contractual agreements.”

CHAPTER 249—NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Sec.	
24901.	Definitions.
24902.	Goals and requirements.
[24903.]	Repealed.]
24904.	General authority.
24905.	Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee.
24906.	Eliminating highway at-grade crossings.
24907.	Note and mortgage.
24908.	Transfer taxes and levies and recording charges.
24909.	Authorization of appropriations.
24910.	Rail cooperative research program.

AMENDMENTS

2008—Pub. L. 110-432, div. B, title II, §212(b)(1), title III, §306(b), Oct. 16, 2008, 122 Stat. 4924, 4953, amended item 24905 generally, substituting “Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee” for “Coordination board and safety committee”, and added item 24910.

1997—Pub. L. 105-134, title IV, §405(a), Dec. 2, 1997, 111 Stat. 2586, struck out item 24903 “Program master plan for Boston-New York main line”.

§ 24901. Definitions

In this chapter—

(1) “final system plan” means the final system plan (including additions) adopted by the United States Railway Association under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

(2) “rail carrier” means an express carrier and a rail carrier as defined in section 10102 of this title, including Amtrak.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 930.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24901(1)	(no source).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24901(2)	(no source).	

This section is derived from 45:802 for clarity. That section contains definitions for the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 33). Title VII of that Act is the source of the source provisions restated in this chapter. However, other titles of that Act are not being restated because they are outside the scope of the restatement. Therefore, 45:802 is not being restated in this restatement and only the relevant definitions are accounted for in this chapter.

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in par. (1), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

§ 24902. Goals and requirements

(a) MANAGING COSTS AND REVENUES.—Amtrak shall manage its operating costs, pricing policies, and other factors with the goal of having revenues derived each fiscal year from providing intercity rail passenger transportation over the Northeast Corridor route between the District of Columbia and Boston, Massachusetts, equal at least the operating costs of providing that transportation in that fiscal year.

(b) PRIORITIES IN SELECTING AND SCHEDULING PROJECTS.—When selecting and scheduling specific projects, Amtrak shall apply the following considerations, in the following order of priority:

(1) Safety-related items should be completed before other items because the safety of the passengers and users of the Northeast Corridor is paramount.

(2) Activities that benefit the greatest number of passengers should be completed before activities involving fewer passengers.

(3) Reliability of intercity rail passenger transportation must be emphasized.

(4) Trip-time requirements of this section must be achieved to the extent compatible with the priorities referred to in paragraphs (1)–(3) of this subsection.

(5) Improvements that will pay for the investment by achieving lower operating or maintenance costs should be carried out before other improvements.

(6) Construction operations should be scheduled so that the fewest possible passengers are inconvenienced, transportation is maintained, and the on-time performance of Northeast Corridor commuter rail passenger and rail freight transportation is optimized.

(7) Planning should focus on completing activities that will provide immediate benefits to users of the Northeast Corridor.

(c) COMPATIBILITY WITH FUTURE IMPROVEMENTS AND PRODUCTION OF MAXIMUM LABOR BENEFITS.—Improvements under this section shall be compatible with future improvements in transportation and shall produce the maximum labor benefit from hiring individuals presently unemployed.

(d) AUTOMATIC TRAIN CONTROL SYSTEMS.—A train operating on the Northeast Corridor main line or between the main line and Atlantic City shall be equipped with an automatic train control system designed to slow or stop the train in response to an external signal.

(e) HIGH-SPEED TRANSPORTATION.—If practicable, Amtrak shall establish intercity rail passenger transportation in the Northeast Corridor that carries out section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 121).

(f) EQUIPMENT DEVELOPMENT.—Amtrak shall develop economical and reliable equipment compatible with track, operating, and marketing characteristics of the Northeast Corridor, including the capability to meet reliable trip times under section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 121) in regularly scheduled revenue transportation in the Corridor, when the Northeast Corridor improvement program is completed. Amtrak must decide that equipment complies with this subsection before buying equipment with financial assistance of the Government. Amtrak shall submit a request for an authorization of appropriations for production of the equipment.

(g) AGREEMENTS FOR OFF-CORRIDOR ROUTING OF RAIL FREIGHT TRANSPORTATION.—(1) Amtrak may make an agreement with a rail freight carrier or a regional transportation authority under which the carrier will carry out an alternate off-corridor routing of rail freight transportation over rail lines in the Northeast Corridor between the District of Columbia and New York metropolitan areas, including intermediate points. The agreement shall be for at least 5 years.

(2) Amtrak shall apply to the Interstate Commerce Commission for approval of the agreement and all related agreements accompanying the application as soon as the agreement is made. If the Commission finds that approval is necessary to carry out this chapter, the Commission shall approve the application and related agreements not later than 90 days after receiving the application.

(3) If an agreement is not made under paragraph (1) of this subsection, Amtrak, with the consent of the other parties, may apply to the Interstate Commerce Commission. Not later than 90 days after the application, the Commission shall decide on the terms of an agreement if it decides that doing so is necessary to carry out this chapter. The decision of the Commission is binding on the other parties.

(h) COORDINATION.—(1) The Secretary of Transportation shall coordinate—

(A) transportation programs related to the Northeast Corridor to ensure that the programs are integrated and consistent with the Northeast Corridor improvement program; and

(B) amounts from departments, agencies, and instrumentalities of the Government to achieve urban redevelopment and revitalization in the vicinity of urban rail stations in the Northeast Corridor served by intercity and commuter rail passenger transportation.

(2) If the Secretary finds significant non-compliance with this section, the Secretary may

deny financing to a noncomplying program until the noncompliance is corrected.

(i) COMPLETION.—Amtrak shall give the highest priority to completing the program.

(j) APPLICABLE PROCEDURES.—No State or local building, zoning, subdivision, or similar or related law, nor any other State or local law from which a project would be exempt if undertaken by the Federal Government or an agency thereof within a Federal enclave wherein Federal jurisdiction is exclusive, including without limitation with respect to all such laws referenced herein above requirements for permits, actions, approvals or filings, shall apply in connection with the construction, ownership, use, operation, financing, leasing, conveying, mortgaging or enforcing a mortgage of (i) any improvement undertaken by or for the benefit of Amtrak as part of, or in furtherance of, the Northeast Corridor Improvement Project (including without limitation maintenance, service, inspection or similar facilities acquired, constructed or used for high speed trainsets) or chapter 241, 243, or 247 of this title or (ii) any land (and right, title or interest created with respect thereto) on which such improvement is located and adjoining, surrounding or any related land. These exemptions shall remain in effect and be applicable with respect to such land and improvements for the benefit of any mortgagee before, upon and after coming into possession of such improvements or land, any third party purchasers thereof in foreclosure (or through a deed in lieu of foreclosure), and their respective successors and assigns, in each case to the extent the land or improvements are used, or held for use, for railroad purposes or purposes accessory thereto. This subsection shall not apply to any improvement or related land unless Amtrak receives a Federal operating subsidy in the fiscal year in which Amtrak commits to or initiates such improvement.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 930; Pub. L. 104-205, title III, §334, Sept. 30, 1996, 110 Stat. 2974; Pub. L. 105-134, title IV, §405(b)(1), Dec. 2, 1997, 111 Stat. 2586.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24902(a)	45:853(1)(A).	Feb. 5, 1976, Pub. L. 94-210, §703(1)(A), 90 Stat. 121; Oct. 5, 1978, Pub. L. 95-421, §8(1), 92 Stat. 927; May 30, 1980, Pub. L. 96-254, §202(1), (2), 94 Stat. 410; Jan. 14, 1983, Pub. L. 97-468, §301(1), 96 Stat. 2547.
	45:853(1)(B) (1st sentence).	Feb. 5, 1976, Pub. L. 94-210, §703(1)(B), 90 Stat. 121; Oct. 5, 1978, Pub. L. 95-421, §8(2), 92 Stat. 927.
	45:853(2)(A).	Feb. 5, 1976, Pub. L. 94-210, §703(2)(A), 90 Stat. 122; Oct. 5, 1978, Pub. L. 95-421, §5(1), 92 Stat. 926.
	45:853(2)(B).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(2)(B); added Oct. 5, 1978, Pub. L. 95-421, §5(2), 92 Stat. 927.
	45:853(3)(A).	Feb. 5, 1976, Pub. L. 94-210, §703(3)(A), 90 Stat. 122; May 30, 1980, Pub. L. 96-254, §203(1), 94 Stat. 410.
	45:853(4) (1st sentence).	Feb. 5, 1976, Pub. L. 94-210, §703(1)(C), (4), 90 Stat. 121, 122.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	45:853(6).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(6); added May 30, 1980, Pub. L. 96-254, §203(2), 94 Stat. 411.
	45:855(b).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, §301(5)(B), 96 Stat. 2550.
24902(b)	45:851(d)(1).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §701(d)(1); added May 30, 1980, Pub. L. 96-254, §205, 94 Stat. 412.
24902(c)(1) ..	45:853(1)(B) (last sentence).	
	45:855(b).	
24902(c)(2), (3).	45:854(i).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(i); added May 30, 1980, Pub. L. 96-254, §204(b), 94 Stat. 411.
	45:855(b).	
24902(d)	45:853(4) (last sentence).	
24902(e)	45:853(7).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(7); added May 30, 1980, Pub. L. 96-254, §209, 94 Stat. 414.
24902(f)	45:853(1)(C).	
24902(g)	45:431(k).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(k); added June 22, 1988, Pub. L. 100-342, §9, 102 Stat. 628.
24902(h)	45:853(1)(E).	Feb. 5, 1976, Pub. L. 94-210, §703(1)(E), 90 Stat. 121; May 30, 1980, Pub. L. 96-254, §202(3), 94 Stat. 410.
	45:855(b).	
24902(i)	45:853(5).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(5); added Oct. 5, 1978, Pub. L. 95-421, §8(3), 92 Stat. 927.
	45:855(b).	
24902(j)	45:853(3)(B).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(3)(B); added May 30, 1980, Pub. L. 96-254, §203(1), 94 Stat. 410.
	45:855(b).	
24902(k)	45:854(c)(1).	Feb. 5, 1976, Pub. L. 94-210, §704(c)(1), 90 Stat. 123; May 30, 1980, Pub. L. 96-254, §210(1), 94 Stat. 414.
	45:854(c)(2).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(c)(2); added May 30, 1980, Pub. L. 96-254, §210(2), 94 Stat. 414.
24902(l)	45:545(h) (last sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(h) (last sentence); added Oct. 28, 1974, Pub. L. 93-496, §3, 88 Stat. 1527; Sept. 29, 1979, Pub. L. 96-73, §106, 93 Stat. 539.
	45:855(b).	

In this section, the word “program” is substituted for “project” for consistency in this chapter.

In subsection (a)(1)(A) and (B), the words “schedule” and “appropriate” are omitted as surplus.

In subsection (a)(2), the words “in order” and “rail” are omitted as surplus.

In subsection (a)(4)–(6), the words “the goals contained in” are omitted as surplus.

In subsection (a)(4), the text of 45:853(2)(B) is omitted as executed.

In subsection (a)(5), the words “to all users of rail freight service located” are omitted as surplus. The word “in” is substituted for “on” as being more appropriate. The words “all . . . which remain” are omitted as surplus.

In subsection (a)(6), the word “mobile” is added for consistency in this chapter. The word “on” is substituted for “aboard trains operated in” to eliminate unnecessary words. The word “passenger” after “rail” is added for consistency in this chapter. The word “Washington” is omitted as surplus.

In subsection (b), the words “each fiscal year” are substituted for “annual” for clarity. The text of 45:851(d)(1)(A) and (B) is omitted as obsolete.

In subsection (c)(1), the words “in his sole discretion” are omitted as surplus.

In subsection (c)(2)(B), the words “and in the amounts” are omitted as surplus.

In subsection (d), the words “department, agencies, and instrumentalities of the United States Government” are substituted for “relevant Federal agencies, including the Federal Communications Commission” for consistency in the revised title and with other titles of the United States Code. The words “shall assist Amtrak under subsection (a)(6) of this section” are substituted for “shall take such actions as are necessary to achieve this goal” for clarity. The words “including necessary licensing, construction, operation, and maintenance” are omitted as surplus.

In subsection (e), before clause (1), the words “of priority” are added for clarity. In clause (2), the words “Potential ridership should be considered” are omitted as surplus. In clause (5), the words “Reducing maintenance cost levels is desirable” are omitted as surplus. The words “before other improvements” are added for clarity.

In subsection (f), the words “accomplished in a manner which is”, “the accomplishment in the . . . of additional”, and “levels” are omitted as surplus.

In subsection (g), the words “after April 1, 1990” are omitted as executed. The words “betwen [sic] Washington, D.C., and Boston, Massachusetts” are omitted as surplus. The words “or between the main line and Atlantic City” are substituted for “on the feeder line referred to in section 854(a)(1)(B) of this title” for clarity. The text of 45:431(k)(2) is omitted as executed.

In subsection (h), the text of 45:853(1)(E) (1st–4th sentences) and the word “Thereafter” are omitted as executed. The words “carries out” are substituted for “achieves the service goals specified in” for consistency in this section.

In subsection (i), the words “rolling stock and related”, “designed to be”, “set forth”, and “specified” are omitted as surplus. The text of 45:853(5) (last sentence words after “such equipment”) is omitted as obsolete.

In subsection (j)(1), the words “Within 6 months after May 30, 1980, the Secretary shall develop plans” and the text of 45:853(3)(B)(v) are omitted as executed. The words “rail lines” are substituted for “lines” for clarity and consistency in this chapter. The words “Washington” and “on such terms and conditions as the parties may agree” are omitted as surplus.

In subsection (j)(2), the words “including the provision of service use of tracks and facilities as provided in such application” are omitted as surplus.

In subsection (j)(3), the words “other parties” are substituted for “involved rail freight carriers” to eliminate unnecessary words. The words “conditions and” are omitted as surplus.

In subsection (k)(1), before clause (A), the words “take all steps necessary to” are omitted as surplus. In clause (A), the words “all”, “implementation of”, and “under this subchapter” are omitted as surplus. Clause (B) is substituted for 45:854(c)(2) to eliminate surplus and obsolete words.

REFERENCES IN TEXT

Section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs. (e) and (f), is section 703(1)(E) of Pub. L. 94-210, which was classified to section 853(1)(E) of Title 45, Railroads, and was repealed and reenacted as subsec. (h) of this section by Pub. L. 103-272, §§1(e), 7(b), July 5, 1994, 108 Stat. 932, 1379.

AMENDMENTS

1997—Pub. L. 105-134 redesignated subsec. (b) as (a) and subsecs. (e) to (m) as (b) to (j), respectively, in subsec. (j) struck out “(m)” after “This subsection”, and struck out former subsecs. (a), (c), and (d) which related to Northeast Corridor improvement plan, cost sharing for nonoperational facilities, and passenger radio mobile telephone service, respectively.

1996—Subsec. (m). Pub. L. 104-205 added subsec. (m).

**ABOLITION OF INTERSTATE COMMERCE COMMISSION AND
TRANSFER OF FUNCTIONS**

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN

Pub. L. 110-432, div. B, title II, §211, Oct. 16, 2008, 122 Stat. 4920, provided that:

“(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act [Oct. 16, 2008], Amtrak, in consultation with the Secretary [of Transportation] and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor main line to a state-of-good-repair by the end of fiscal year 2018, consistent with the funding levels authorized in this division [see Short Title of 2008 Amendment note set out under section 20101 of this title], and shall submit the plan to the Secretary.

“(b) **REVIEW AND APPROVAL BY THE SECRETARY.**—

“(1) **60-DAY APPROVAL PROCESS.**—The Secretary shall complete the review of the capital spending plan and approve or disapprove the plan within 60 days after the date on which Amtrak submits the plan. During review, the Secretary may seek comments from the Commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan. If the Secretary disapproves the plan or determines that the plan is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in a notice to Amtrak.

“(2) **15-DAY MODIFICATION PERIOD.**—Within 15 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary’s review.

“(3) **REVISED REQUESTS.**—Within 15 days after receiving a modified plan from Amtrak, the Secretary shall either approve the modified plan, or, if the Secretary finds that the plan is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the remaining deficiencies and recommend a process for resolving the outstanding portions of the plan.

“(c) **PLAN UPDATES.**—The plan shall be updated at least annually and the Secretary shall review and approve such updates, in accordance with the procedures described in subsection (b).

“(d) **GRANTS.**—The Secretary shall make grants to Amtrak with funds authorized by section 101(c) [122 Stat. 4908] for Northeast Corridor capital investments contained within the capital spending plan prepared by Amtrak and approved by the Secretary.

“(e) **OVERSIGHT.**—Using the funds authorized by section 101(d) [122 Stat. 4908], the Secretary shall review Amtrak’s capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

“(f) **ELIGIBILITY OF EXPENDITURES.**—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.”

**[§ 24903. Repealed. Pub. L. 105-134, title IV,
§ 405(a), Dec. 2, 1997, 111 Stat. 2586]**

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 933; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to program master plan for Boston-New York main line.

§ 24904. General authority

(a) **GENERAL.**—To carry out this chapter and the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), Amtrak may—

(1) acquire, maintain, and dispose of any interest in property used to provide improved high-speed rail transportation under section 24902 of this title;

(2) acquire, by condemnation or otherwise, any interest in real property that Amtrak considers necessary to carry out the goals of section 24902;

(3) provide for rail freight, intercity rail passenger, and commuter rail passenger transportation over property acquired under this section;

(4) improve rail rights of way between Boston, Massachusetts, and the District of Columbia (including the route through Springfield, Massachusetts, and routes to Harrisburg, Pennsylvania, and Albany, New York, from the Northeast Corridor main line) to achieve the goals of section 24902 of providing improved high-speed rail passenger transportation between Boston, Massachusetts, and the District of Columbia, and intermediate intercity markets;

(5) acquire, build, improve, and install passenger stations, communications and electric power facilities and equipment, public and private highway and pedestrian crossings, and other facilities and equipment necessary to provide improved high-speed rail passenger transportation over rights of way improved under clause (4) of this subsection;

(6) make agreements with other carriers and commuter authorities to grant, acquire, or make arrangements for rail freight or commuter rail passenger transportation over, rights of way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.); and

(7) appoint a general manager of the Northeast Corridor improvement program.

(b) **COMPENSATORY AGREEMENTS.**—Rail freight and commuter rail passenger transportation provided under subsection (a)(3) of this section shall be provided under compensatory agreements with the responsible carriers.

(c) **COMPENSATION FOR TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES.**—(1) An agreement under subsection (a)(6) of this section shall provide for reasonable reimbursement of costs but may not cross-subsidize intercity rail passenger, commuter rail passenger, and rail freight transportation.

(2) If the parties do not agree, the Interstate Commerce Commission shall order that the transportation continue over facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revi-

talization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) and shall determine compensation (without allowing cross-subsidization between commuter rail passenger and intercity rail passenger and rail freight transportation) for the transportation not later than 120 days after the dispute is submitted. The Commission shall assign to a rail carrier obtaining transportation under this subsection the costs Amtrak incurs only for the benefit of the carrier, plus a proportionate share of all other costs of providing transportation under this paragraph incurred for the common benefit of Amtrak and the carrier. The proportionate share shall be based on relative measures of volume of car operations, tonnage, or other factors that reasonably reflect the relative use of rail property covered by this subsection.

(3) This subsection does not prevent the parties from making an agreement under subsection (a)(6) of this section after the Commission makes a decision under this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 934; Pub. L. 103-429, §6(22), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105-134, title IV, §405(b)(2), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 110-432, div. B, title II, §212(b)(2), Oct. 16, 2008, 122 Stat. 4924.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24904(a) (words before (1)).	45:851(a) (words before (1)).	Feb. 5, 1976, Pub. L. 94-210, §701(a)(1), (3)-(8), 90 Stat. 119.
24904(a)(1) ..	45:851(a)(1). 45:855(b).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, §301(5)(B), 96 Stat. 2550.
24904(a)(2) ..	45:854(h).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(h); added May 30, 1980, Pub. L. 96-254, §204(b), 94 Stat. 411.
24904(a)(3) ..	45:855(b). 45:851(a)(3) (less proviso).	
24904(a)(4) ..	45:851(a)(4).	
24904(a)(5) ..	45:851(a)(5).	
24904(a)(6) ..	45:562(a)(2) (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §402(a)(2); added Feb. 5, 1976, Pub. L. 94-210, §706(a), 90 Stat. 123; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Apr. 7, 1986, Pub. L. 99-272, §4017(b)(2)-(5), 100 Stat. 111.
	45:851(a)(6) (words before 8th comma).	
24904(a)(7) ..	45:851(a)(7).	
24904(a)(8) ..	45:851(a)(8).	
24904(b)	45:851(a)(3) (proviso).	
24904(c)(1) ..	45:851(a)(6) (words after 8th comma).	
24904(c)(2) ..	45:562(a)(2) (2d-5th sentences).	
24904(c)(3) ..	45:562(a)(2) (last sentence).	

In subsection (a), before clause (1), the words “the purposes of” are omitted as surplus. The words “this part” are substituted for “this subchapter, the Rail Passenger Service Act [45 U.S.C. 501 et seq.]” for clarity because subchapter III of chapter 17 of title 45, United States Code, and the Rail Passenger Service Act make up part C of subtitle V of the revised title. In clause (1), the words “by purchase, lease, exchange, gift, or otherwise, and to hold . . . sell, lease, or otherwise”, “real or personal”, and “which is necessary or” are omitted as

surplus. The words “to provide” are substituted for “establishing and maintaining” for consistency in this chapter. In clause (2), the words “for the United States, by lease, purchase, condemnation, or otherwise” and “(including lands, easements, and rights-of-way, and any other property interests, including contract rights) are omitted as surplus. In clause (3), the words “the continuous operation and maintenance of” are omitted as surplus. In clause (4), the words “Washington” and “at its option” are omitted as surplus. In clause (5), the words “other safety facilities or equipment . . . any” and “which it determines are” are omitted as surplus. In clause (6), the words “Notwithstanding any other provision of this chapter”, “tracks, rights-of-way and other”, and “by the Corporation” in 45:562(a)(2) (1st sentence) and “other railroads” and “trackage rights, contract services, and other appropriate” in 45:851(a)(6) are omitted as surplus. In clause (7), the words “qualified individual to serve as the” are omitted as surplus. In clause (8), the words “on a basis which is consistent with, and” are omitted as surplus.

In subsection (c)(1), the words “shall provide for” are substituted for “to be on such terms and conditions as are necessary to” to eliminate unnecessary words. The word “reasonable” is substituted for “on an equitable and fair basis” for consistency in the revised title.

In subsection (c)(2), the words “If the parties do not” are substituted for “In the event of a failure to” for clarity. The words “to be provided”, “consistent with equitable and fair compensation principles”, “proper amount of”, “the provision of”, and “the date of” are omitted as surplus.

In subsection (c)(3), the words “either before or” are omitted as surplus because the National Railroad Passenger Corporation may make agreements on arrangements for rail freight or commuter rail transportation under subsection (a)(6) of this section and this subsection applies only when there is no agreement.

PUB. L. 103-429

This amends 49:24904(a)(2) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 934).

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsecs. (a) and (c)(2), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

The Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs. (a)(6) and (c)(2), is Pub. L. 94-210, Feb. 5, 1976, 90 Stat. 31, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 45 and Tables.

AMENDMENTS

2008—Subsec. (c)(2). Pub. L. 110-432 inserted “commuter rail passenger and” after “between” in first sentence and struck out “freight” after “rail” in second sentence.

1997—Subsec. (a)(6) to (8). Pub. L. 105-134 inserted “and” at end of par. (6), substituted a period for “; and” at end of par. (7), and struck out par. (8) which read as follows: “make agreements with telecommunications common carriers, subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.), to continue existing, and establish new and improved, passenger radio mobile telephone service in the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2).”

1994—Subsec. (a)(2). Pub. L. 103-429 inserted “, by condemnation or otherwise,” after “acquire”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND
TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee

(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (referred to in this section as the “Commission”) to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

- (A) members representing Amtrak;
- (B) members representing the Department of Transportation, including the Federal Railroad Administration;
- (C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and
- (D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under paragraph (1) shall not constitute a majority of the Commission’s memberships.

(3) The Commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the Commission shall develop rules and procedures to govern the Commission’s proceedings.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(6) The Chairman of the Commission shall be elected by the members.

(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(10) The Commission shall consult with other entities as appropriate.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—

(1) STATEMENT OF GOALS.—The Commission shall develop a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel times, increased frequencies and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.

(2) RECOMMENDATIONS.—The Commission shall develop recommendations based on the statement developed under this section addressing, as appropriate—

- (A) short-term and long-term capital investment needs beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008;
- (B) future funding requirements for capital improvements and maintenance;
- (C) operational improvements of intercity passenger rail, commuter rail, and freight rail services;
- (D) opportunities for additional non-rail uses of the Northeast Corridor;
- (E) scheduling and dispatching;
- (F) safety and security enhancements;
- (G) equipment design;
- (H) marketing of rail services;
- (I) future capacity requirements; and
- (J) potential funding and financing mechanisms for projects of corridor-wide significance.

(c) ACCESS COSTS.—

(1) DEVELOPMENT OF FORMULA.—Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission shall—

(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, on the Northeast Corridor main line between Boston, Massachusetts, and Washington, District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, that use Amtrak facilities or services or that provide such facilities or services to Amtrak that ensures that—

- (i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;
- (ii) each service is assigned the costs incurred only for the benefit of that service,

and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

(iii) all financial contributions made by an operator of a service that benefit an infrastructure owner other than the operator are considered, including but not limited to, any capital infrastructure investments and in-kind services;

(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

(C) transmit the proposed timetable to the Surface Transportation Board; and

(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

(2) IMPLEMENTATION.—Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

(3) REVISIONS.—The Commission may make necessary revisions to the formula developed under paragraph (1), including revisions based on Amtrak's financial accounting system developed pursuant to section 203 of the Passenger Rail Investment and Improvement Act of 2008.

(d) TRANSMISSION OF STATEMENT OF GOALS AND RECOMMENDATIONS.—The Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) the statement of goals developed under subsection (b) within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

(2) the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) annually.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section.

(f) NORTHEAST CORRIDOR SAFETY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of—

(A) the Department of Transportation, including the Federal Railroad Administration;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) commuter rail agencies;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least two times per year to consider safety and security matters on the main line.

(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety and security recommendations of the Committee and the comments of the Secretary on those recommendations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 935; Pub. L. 110-432, div. B, title II, §212(a), Oct. 16, 2008, 122 Stat. 4921.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24905(a)(1) ..	45:585(c).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §505(c); added Jan. 14, 1983, Pub. L. 97-468, §508(2), 96 Stat. 2554.
24905(a)(2) ..	45:585(a).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §505(a), (b); added Aug. 13, 1981, Pub. L. 97-35, §1137, 95 Stat. 650; Jan. 14, 1983, Pub. L. 97-468, §508(1), 96 Stat. 2554.
24905(a)(3) ..	45:585(b).	June 22, 1988, Pub. L. 100-342, §11, 102 Stat. 629; Sept. 3, 1992, Pub. L. 102-365, §18, 106 Stat. 982.
24905(b)	45:431 (note).	

In subsection (a)(2), before clause (A), the words “develop and” are omitted as surplus. In clause (B)(v), the word “rates” is substituted for “fares, tariffs” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3), the words “of opinions” and “(among or between the Corporation, Amtrak Commuter, other railroads, commuter authorities, and other State, local, and regional agencies responsible for the provision of commuter rail, rapid rail, or rail freight service), with respect to all matters” are omitted as surplus. The words “for facilities and transportation matters under” are substituted for “those conferred on the Commission in” for clarity.

In subsection (b)(1), the words “Within 30 days after the date of enactment of this Act . . . shall establish” are omitted as executed.

In subsection (b)(3), the words “each Congress” are substituted for “the 103rd Congress, and biennially thereafter” to eliminate unnecessary words. The words “pursuant to the provisions of this section” are omitted as unnecessary.

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in sub-

secs. (a)(1), (c)(1), and (d)(1), is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

Sections 203 and 211 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (b)(2)(A) and (c)(3), are set out as notes under sections 24101 and 24902, respectively, of this title.

AMENDMENTS

2008—Pub. L. 110-432 amended section generally. Prior to amendment, section related to Northeast Corridor Coordination Board and Northeast Corridor Safety Committee.

§ 24906. Eliminating highway at-grade crossings

(a) **PLAN.**—In consultation with the States on the main line of the Northeast Corridor, the Secretary of Transportation shall develop a plan not later than September 30, 1993, to eliminate all highway at-grade crossings of the main line by not later than December 31, 1997. The plan may provide that eliminating a crossing is not required if—

- (1) impracticable or unnecessary; and
- (2) using the crossing is consistent with conditions the Secretary considers appropriate to ensure safety.

(b) **AMTRAK'S SHARE OF COSTS.**—Amtrak shall pay 20 percent of the cost of eliminating each highway at-grade crossing under the plan.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 936.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24906(a)	45:650(a), (b).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §811; added Oct. 27, 1992, Pub. L. 102-533, §2, 106 Stat. 3515.
24906(b)	45:650(c).	

§ 24907. Note and mortgage

(a) **GENERAL AUTHORITY.**—To secure amounts expended by the United States Government to acquire and improve rail property designated under section 206(c)(1)(C) and (D) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(C) and (D)), the Secretary of Transportation may obtain a note of indebtedness from, and make a mortgage agreement with, Amtrak to establish a mortgage lien on the property for the Government. The note and mortgage may not supersede section 24904 of this title.

(b) **EXEMPTIONS FROM LAWS AND REGULATIONS.**—The note and agreement under subsection (a) of this section, and a transaction related to the note or agreement, are exempt from any United States, State, or local law or regulation that regulates securities or the issuance of securities. The note, agreement, or transaction under this section has the same immunities from other laws that section 601 of the Act (45 U.S.C. 791) gives to transactions that comply with or carry out the final system plan. The transfer of rail property because of the note, agreement, or transaction has the same exemptions, privileges, and immunities that the Act (45 U.S.C. 701 et seq.) gives to a transfer ordered or approved by the special court under section 303(b) of the Act (45 U.S.C. 743(b)).

(c) **IMMUNITY FROM LIABILITY AND INDEMNIFICATION.**—Amtrak, its board of directors, and its in-

dividual directors are not liable because Amtrak has given or issued the note or agreement to the Government under subsection (a) of this section. Immunity granted under this subsection also applies to a transaction related to the note or agreement. The Government shall indemnify Amtrak, its board, and individual directors against costs and expenses actually and reasonably incurred in defending a civil action testing the validity of the note, agreement, or transaction.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 936.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24907(a)	45:854(e).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(e)-(g); added Oct. 19, 1976, Pub. L. 94-555, §217(c), 90 Stat. 2627.
24907(b)	45:854(f).	
24907(c)	45:854(g).	

In subsection (a), the words “In order . . . protect and”, “securing such expenditure”, “infringe upon or”, and “the authority conferred upon the National Railroad Passenger Corporation by” are omitted as surplus.

In subsections (b) and (c), the words “note” and “agreement” are substituted for “agreement, security, or obligation” for consistency because the Secretary of Transportation gets only notes and mortgage agreements under the source provisions restated in subsection (a) of this section.

In subsection (b), the words “obtained by the Secretary” and “the provisions of subtitle IV of title 49, the Securities Act of 1933 (15 U.S.C. 77a et seq.), and . . . other” are omitted as surplus. The words “has the same” are substituted for “shall enjoy all of the” for clarity. The words “conveyance or” are omitted, and the word “transfer” is substituted for “conveyances”, for consistency in this subtitle. The words “(including section 303(e) thereof [45 U.S.C. 743(e)])” are omitted as surplus. The words “section 303(b)” are substituted for “section 306(b)” to correct a mistake in section 217(c) of the Rail Transportation Improvement Act (Public Law 94-555, 90 Stat. 2628).

In subsection (c), the words “to any party for any damages, or in any other matter” are omitted as surplus. The word “because” is substituted for “by reason of the fact that” to eliminate unnecessary words. The words “related to the note or agreement” are substituted for “in connection with” for clarity. The words “all” and “(including fees of accountants, experts, and attorneys)” are omitted as surplus. The words “a civil action” are substituted for “any litigation” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “legal” and “given, issued, or entered into” are omitted as surplus.

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsecs. (a) and (b), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

ABOLITION OF SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973, AND TRANSFER OF FUNCTIONS

Special court abolished and all jurisdiction and functions transferred to United States District Court for District of Columbia, see section 719(b)(2) of Title 45, Railroads.

§ 24908. Transfer taxes and levies and recording charges

A transfer of an interest in rail property under this chapter is exempt from a tax or levy related to the transfer that is imposed by the United States Government, a State, or a political subdivision of a State. On payment of the appropriate and generally applicable charge for the service performed, a transferee or transferor may record an instrument and, consistent with the final system plan, the release or removal of a pre-existing lien or encumbrance of record related to the interest transferred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 937.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24908	45:743(e) (words "title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 [45 U.S.C. 851 et seq.] or of").	Jan. 2, 1974, Pub. L. 93-236, 87 Stat. 985, §303(e) (words "title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 or of"); added Feb. 5, 1976, Pub. L. 94-210, §601(d), 90 Stat. 84; Sept. 30, 1976, Pub. L. 94-436, §5 (related to title VII), 90 Stat. 1399.

The words "or conveyances", "(whether real, personal, or mixed)", "which are made at any time", "the purposes of", "imposts", "or on the recording of deeds, bills of sale, liens, encumbrances, or other instruments evidencing, effectuating, or incident to any such transfers or conveyances, whether imposed on the transferor or on the transferee", "now or hereafter", "to compensate . . . the cost of", "such deeds, bills of sale, liens, encumbrances, or other", and "the designations and applicable principles in" are omitted as surplus.

§ 24909. Authorization of appropriations

(a) GENERAL.—(1) Not more than \$2,313,000,000 may be appropriated to the Secretary of Transportation to achieve the goals of section 24902(a)(1)¹ of this title. From this amount, the following amounts shall be expended by Amtrak:

(A) at least \$27,000,000 for equipment modification and replacement that a State or a local or regional transportation authority must bear because of the electrification conversion system of the Northeast Corridor under this chapter.

(B) \$30,000,000—

(i) to improve the main line track between the Northeast Corridor main line and Atlantic City, New Jersey, to ensure that the track, consistent with a plan New Jersey developed in consultation with Amtrak to provide rail passenger transportation between the Northeast Corridor main line and Atlantic City, New Jersey, would be of sufficient quality to allow safe rail passenger transportation at a minimum of 79 miles an hour not later than September 30, 1985; and

(ii) to promote rail passenger use of the track.

(C) necessary amounts to—

(i) develop Union Station in the District of Columbia;

(ii) install 189 track-miles, and renew 133 track-miles, of concrete ties with continu-

ously welded rail between the District of Columbia and New York, New York;

(iii) install reverse signaling between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, on numbers 2 and 3 track;

(iv) restore ditch drainage in concrete tie locations between the District of Columbia and New York, New York;

(v) undercut 83 track-miles between the District of Columbia and New York, New York;

(vi) rehabilitate bridges between the District of Columbia and New York, New York (including Hi line);

(vii) develop a maintenance of way equipment repair facility between the District of Columbia and New York, New York, and build maintenance of way bases at Philadelphia, Pennsylvania, Sunnyside, New York, and Cedar Hill, Connecticut;

(viii) stabilize the roadbed between the District of Columbia and New York, New York;

(ix) automate the Bush River Drawbridge at milepost 72.14;

(x) improve the New York Service Facility to develop rolling stock repair capability;

(xi) install a rail car washer facility at Philadelphia, Pennsylvania;

(xii) restore storage tracks and buildings at the Washington Service Facility;

(xiii) install centralized traffic control from Landlith, Delaware, to Philadelphia, Pennsylvania;

(xiv) improve track, including high speed surfacing, ballast cleaning, and associated equipment repair and material distribution;

(xv) rehabilitate interlockings between the District of Columbia and New York, New York;

(xvi) paint the Connecticut River, Groton, and Pelham Bay bridges;

(xvii) provide additional catenary renewal and power supply upgrading between the District of Columbia and New York, New York;

(xviii) rehabilitate structural, electrical, and mechanical systems at the 30th Street Station in Philadelphia, Pennsylvania;

(xix) install evacuation and fire protection facilities in tunnels in New York, New York;

(xx) improve the communication and signal systems between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line, and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line;

(xxi) improve the electric traction systems between Wilmington, Delaware, and Newark, New Jersey;

(xxii) install baggage rack restraints, seat back guards, and seat lock devices on 348 passenger cars operating in the Northeast Corridor;

(xxiii) install 44 event recorders and 10 electronic warning devices on locomotives operating within the Northeast Corridor; and

(xxiv) acquire cab signal test boxes and install 9 wayside loop code transmitters for use within the Northeast Corridor.

¹ See References in Text note below.

(2) The following additional amounts may be appropriated to the Secretary for expenditure by Amtrak:

(A) not more than \$150,000,000 to achieve the goal of section 24902(a)(3)¹ of this title.

(B) not more than \$120,000,000 to acquire interests in property in the Northeast Corridor.

(C) not more than \$650,000 to develop and use mobile radio frequencies for passenger radio mobile telephone service on high-speed rail passenger transportation.

(D) not more than \$20,000,000 to acquire and improve interests in rail property designated under section 206(c)(1)(D) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(D)).

(E) not more than \$37,000,000 to carry out section 24902(a)(7) and (j)¹ of this title.

(b) EMERGENCY MAINTENANCE.—Not more than \$25,000,000 of the amount appropriated under the Act of February 28, 1975 (Public Law 94-6, 89 Stat. 11), may be used by Amtrak for emergency maintenance on rail property designated under section 206(c)(1)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(C)).

(c) PRIORITY IN USING CERTAIN AMOUNTS.—Amounts appropriated under subsection (a)(2)(B) and (D) of this section shall be used first to repay, with interest, obligations guaranteed under section 602 of the Rail Passenger Service Act, if the proceeds of those obligations were used to pay the expenses of acquiring interests in property referred to in subsection (a)(2)(B) and (D).

(d) PROHIBITION ON SUBSIDIZING COMMUTER AND FREIGHT OPERATING LOSSES.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail or rail freight transportation.

(e) SUBSTITUTING AND DEFERRING CERTAIN IMPROVEMENTS.—(1) A project for which amounts are authorized under subsection (a)(1)(C) of this section is a part of the Northeast Corridor improvement program and is not a substitute for improvements specified in the document “Corridor Master Plan II, NECIP Restructured Program” of January, 1982. However, Amtrak may defer the project to carry out the improvement and rehabilitation for which amounts are authorized under subsection (a)(1)(B) of this section. The total cost of the project that Amtrak defers may not be substantially more than the amount Amtrak is required to expend or reserve under subsection (a)(1)(B).

(2) Section 24902 of this title is deemed not to be fulfilled until the projects under subsection (a)(1)(C) of this section are completed.

(f) AVAILABILITY OF AMOUNTS.—Amounts appropriated under subsection (a)(1) and (2)(A) and (C)–(E) of this section remain available until expended.

(g) AUTHORIZATIONS INCREASED BY PRIOR YEAR DEFICIENCIES.—An amount greater than that authorized for a fiscal year may be appropriated to the extent that the amount appropriated for any prior fiscal year is less than the amount authorized for that year.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 937.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24909(a)(1) ..	45:854(a) (1st sentence).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(a) (1st sentence); added Aug. 13, 1981, Pub. L. 97-35, §1193(1), 95 Stat. 701.
	45:854(a) (2d sentence cl. (1) (less availability)).	Feb. 5, 1976, Pub. L. 94-210, §704(a) (2d sentence), 90 Stat. 122; Oct. 19, 1976, Pub. L. 94-555, §217(a), (b), 90 Stat. 2627; Oct. 5, 1978, Pub. L. 95-421, §9, 92 Stat. 928; May 30, 1980, Pub. L. 96-254, §204(a), 94 Stat. 411; Jan. 14, 1983, Pub. L. 97-468, §301(2), 96 Stat. 2548; June 22, 1988, Pub. L. 100-342, §6, 102 Stat. 627.
	45:855(b).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, §301(5)(B), 96 Stat. 2550.
24909(a) (2)(A).	45:854(a) (2d sentence cl. (2) (less availability)).	
24909(a) (2)(B)–(E).	45:855(b).	
	45:854(a) (2d sentence cls. (3)(A)–(D) (1st sentence), (4) (as 2d sentence cls. (3)(A)–(D) (1st sentence), (4) relate to other than availability)).	
24909(b)	45:855(b).	Feb. 5, 1976, Pub. L. 94-210, §704(d), 90 Stat. 123.
24909(c)	45:854(a) (2d sentence cl. (3)(D) (last sentence)).	
24909(d)	45:854(b)(1) (related to 854).	Feb. 5, 1976, Pub. L. 94-210, §704(b)(1) (related to §704), 90 Stat. 123; Jan. 14, 1983, Pub. L. 97-468, §301(4)(A), 96 Stat. 2549.
24909(e)	45:854(b)(2).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(b)(2); added Jan. 14, 1983, Pub. L. 97-468, §301(4)(B), 96 Stat. 2549.
24909(f)	45:855(b).	
	45:854(a) (2d sentence cls. (1)–(3)(D) (1st sentence), (4) (as 2d sentence cls. (1)–(3)(D) (1st sentence), (4) relate to availability)).	
24909(g)	45:854(a) (3d sentence).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(a) (3d sentence); added Aug. 13, 1981, Pub. L. 97-35, §1193(2), 95 Stat. 702.
	45:854(a) (4th–last sentences).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(a) (4th–last sentences); added Jan. 14, 1983, Pub. L. 97-468, §301(3), 96 Stat. 2549.

In subsections (a) and (f), the text of 45:854(a) (2d sentence cl. (3)(A)) is omitted as executed.

In subsection (a)(1), before clause (A), the text of 45:854(a) (1st sentence) is omitted as surplus because of section 24902(a) of the revised title. In clause (B)(i), the words “if the National Railroad Passenger Corporation receives notification on or before June 1, 1983, from . . . that such State has approved” and “and if such Corporation determines that such plan is feasible” are omitted as executed. The words “rehabilitation and other . . . (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service)” are omitted as surplus. In clause (C), before subclause (i), the words “with respect to the main line of the Northeast Corridor” are omitted as surplus. In subclauses (i), (ii), (iv)–(viii), (xv), and (xvii),

the word “Washington” is omitted as surplus. In subclause (xx), the words “at locations” are omitted as surplus.

In subsection (a)(2)(C), the words “passenger radio mobile telephone service on high-speed rail passenger transportation” are substituted for “high-speed rail passenger rail telephone service” for consistency in this chapter.

In subsection (a)(2)(D), the word “rail” is added for consistency in the revised title.

In subsection (b), the words “After the conveyance of rail properties, pursuant to section 303(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(b)) and section 851(b) of this title” are omitted as executed. The words “remain available to” and “the purpose of performing” are omitted as surplus.

In subsection (c), the words “that portion of . . . issued by the National Railroad Passenger Corporation and” are omitted as surplus.

In subsection (e)(1), the words “to be appropriated”, “undertaken or viewed as”, “entitled”, and “prepared for the United States Department of Transportation, Federal Railroad Administration, Northeast Corridor Improvement Project, in cooperation with the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak), by Deleuw, Cather/Parsons, NECIP architect/engineer” are omitted as surplus. The words “for which amounts are authorized under” are substituted for “described in” for clarity. The words “for expenditure” are omitted as surplus.

In subsection (g), the text of 45:854(a) (3d, 5th, and last sentences) is omitted as executed. The words “An amount greater than that authorized for a fiscal year” are substituted for “Funds . . . in excess of limitations imposed under the preceding sentence with respect to a fiscal year, or for fiscal years after the fiscal year ending September 30, 1983” to eliminate unnecessary and obsolete words. The words “under this section” are omitted as surplus. The words “amount authorized” are substituted for “limitation under such sentence” for consistency.

REFERENCES IN TEXT

Section 24902 of this title, referred to in subsecs. (a)(1), (2)(A), (E), was amended by Pub. L. 105-134, title IV, § 405(b)(1), Dec. 2, 1997, 111 Stat. 2586, and, as so amended, subsec. (a) of that section was repealed and subsecs. (b), (j), and (m) were redesignated (a), (g), and (j), respectively.

Act of February 28, 1975 (Public Law 94-6, 89 Stat. 11), referred to in subsec. (b), provided appropriations for interim operating assistance for Federal Railroad Administration of Department of Transportation in chapter II which is not classified to the Code.

Section 602 of the Rail Passenger Service Act, referred to in subsec. (c), was classified to section 602 of Title 45, Railroads, prior to repeal by Pub. L. 102-533, § 7(c), Oct. 27, 1992, 106 Stat. 3519.

§ 24910. Rail cooperative research program

(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

(b) CONTENT.—The program to be carried out under this section shall include research designed—

(1) to identify the unique aspects and attributes of rail passenger and freight service;

(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

(4) to recommend priorities for technology demonstration and development;

(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

(6) to explore improvements in management, financing, and institutional structures;

(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations;

(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high-speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high-speed freight or passenger rail operations;

(12) to review rail crossing safety improvements, including improvements using new safety technology; and

(13) to review and develop technology designed to reduce train horn noise and its effect on communities, including broadband horn technology.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

(2) **MEMBERSHIP.**—The advisory board shall include—

(A) representatives of State transportation agencies;

(B) transportation and environmental economists, scientists, and engineers; and

(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

(d) **NATIONAL ACADEMY OF SCIENCES.**—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Transportation \$5,000,000 for each of fiscal years 2010 through 2013 for carrying out this section.

(Added Pub. L. 110-432, div. B, title III, §306(a), Oct. 16, 2008, 122 Stat. 4952.)

PART D—HIGH-SPEED RAIL

PRIOR PROVISIONS

A prior part D, consisting of chapter 261, was redesignated part E of this subtitle by Pub. L. 103-440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616.

CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE

Sec.

26101.	High-speed rail corridor planning.
26102.	High-speed rail technology improvements.
26103.	Safety regulations.
26104.	Authorization of appropriations.
26105.	Definitions.
26106.	High-speed rail corridor development.

PRIOR PROVISIONS

A prior chapter 261, consisting of sections 26101 and 26102, was renumbered chapter 281 of this title by Pub. L. 103-440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616.

AMENDMENTS

2008—Pub. L. 110-432, div. B, title V, §501(c), (e), Oct. 16, 2008, 122 Stat. 4960, 4963, substituted “High-speed rail corridor planning” for “Corridor development” in item 26101 and added item 26106.

2005—Pub. L. 109-59, title IX, §9001(a)(2), Aug. 10, 2005, 119 Stat. 1919, substituted “development” for “planning” in item 26101.

§ 26101. High-speed rail corridor planning

(a) **CORRIDOR PLANNING ASSISTANCE.**—(1) The Secretary may provide under this section financial assistance to a public agency or group of public agencies for corridor planning for up to 50 percent of the publicly financed costs associated with eligible activities.

(2) No less than 20 percent of the publicly financed costs associated with eligible activities shall come from State and local sources, which State and local sources may not include funds from any Federal program.

(b) **ELIGIBLE ACTIVITIES.**—(1) A corridor planning activity is eligible for financial assistance under subsection (a) if the Secretary determines

that it is necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections for the establishment of high-speed rail service in the corridor and that it leads toward development of a prudent financial and institutional plan for implementation of specific high-speed rail improvements, or if it is an activity described in subparagraph (M). Eligible corridor planning activities include—

(A) environmental assessments;

(B) feasibility studies emphasizing commercial technology improvements or applications;

(C) economic analyses, including ridership, revenue, and operating expense forecasting;

(D) assessing the impact on rail employment of developing high-speed rail corridors;

(E) assessing community economic impacts;

(F) coordination with State and metropolitan area transportation planning and corridor planning with other States;

(G) operational planning;

(H) route selection analyses and purchase of rights-of-way for proposed high-speed rail service;

(I) preliminary engineering and design;

(J) identification of specific improvements to a corridor, including electrification, line straightening and other right-of-way improvements, bridge rehabilitation and replacement, use of advanced locomotives and rolling stock, ticketing, coordination with other modes of transportation, parking and other means of passenger access, track, signal, station, and other capital work, and use of intermodal terminals;

(K) preparation of financing plans and prospectuses;

(L) creation of public/private partnerships; and

(M) the acquisition of locomotives, rolling stock, track, and signal equipment.

(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

(c) **CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.**—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

(1) the relationship of the corridor to the Secretary’s national high-speed ground transportation policy;

(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

(3) the integration of the corridor into metropolitan area and statewide transportation planning;

(4) the potential interconnection of the corridor with other parts of the Nation’s transportation system, including the interconnection with other countries;

(5) the anticipated effect of the corridor on the congestion of other modes of transportation;

(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.);